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GEORGE H. RYAN
Secretary of State

ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform Fiscal and Administrative Standards for the Job Training Partnership Act
- 2) Code Citation: 56 Ill. Adm. Code 2630
- 3) Section Numbers:
2630.82
2630.83
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing Section 164(a)(1) of the Job Training Partnership Act (29 U.S.C.A. 1501 et seq., revised 1990) and Section 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.41) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

5) A Complete Description of the Subjects and Issues Involved: These amendments serve to update the department's rules entitled "Uniform Fiscal and Administrative Standards for the Job Training Partnership Act." The rulemaking adds various procurement provisions found in the Office of Management and Budget (OMB) Circular A-102 to Section 2630.82. Specifically, changes address reviews to avoid unnecessary/duplicative purchases, cost or price analyses; use of minority firms, women's business enterprises, and labor surplus area firms; required contract provisions; prohibition of geographical preferences; and availability of technical or other purchase specifications. Language on PIC approved continuation of programs has been restated and moved from subsection(e) to subsections(b)(4)(D) and (b)(4)(D)(ii). Several references found in this Section have been corrected. Additionally, the rulemaking revises the property management requirements found in Section 2630.83.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any proposed amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
2630.5	New Section	October 26, 1990
2630.101	Amendment	14 Ill. Reg. 17407
2630.102	Amendment	October 26, 1990
		14 Ill. Reg. 17407
		October 26, 1990
		14 Ill. Reg. 17407

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2630.104	New Section	October 26, 1990
		14 Ill. Reg. 17407
2630.105	New Section	October 26, 1990
		14 Ill. Reg. 17407
2630.120	Amendment	October 26, 1990
		14 Ill. Reg. 17407

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 22, 1991.

B) Types of small businesses and small municipalities affected: This rulemaking amends provisions governing the methods of procurement and property management to be followed by grantees under the Job Training Partnership Act. Thirteen of the JTPA grantees are not-for-profits and are therefore considered to be small businesses in accordance with the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: All JTPA grantees must comply with the methods prescribed for procurement and property management.

D) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRSPART 2630
UNIFORM FISCAL AND ADMINISTRATIVE STANDARDS FOR
THE JOB TRAINING PARTNERSHIP ACT

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Insurance
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Limitations on Certain Costs
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2630.113
2630.114Principles for Determining Costs
Guidelines for Cost Allocation Plans
Standards for Selected Items of Cost
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SUBPART E: AUDIT

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2630.122
2630.123Audit Requirements
Oversight
Sanctions
Federal Cognizance

AUTHORITY: Implementing Section 46.41 of the Civil Administrative Code of

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Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.41) and the Job Training Partnership Act (29 U.S.C.A. 1501 et seq., revised 1990) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

SOURCE: Adopted at 8 Ill. Reg. 3616, effective March 12, 1984; amended at 8 Ill. Reg. 14307, effective August 2, 1984; amended at 8 Ill. Reg. 16422, effective August 31, 1984; amended at 8 Ill. Reg. 22515, effective November 5, 1984; amended at 9 Ill. Reg. 6159, effective April 24, 1985; amended at 9 Ill. Reg. 6692, effective April 25, 1985; amended at 9 Ill. Reg. 18475, effective November 18, 1985; amended at 9 Ill. Reg. 20669, effective December 16, 1985; amended at 10 Ill. Reg. 8083, effective May 6, 1986; amended at 10 Ill. Reg. 21069, effective December 5, 1986; amended at 11 Ill. Reg. 11682, effective June 29, 1987; amended at 12 Ill. Reg. 15961, effective September 26, 1988; amended at 14 Ill. Reg. 13984, effective August 20, 1990; amended at 14 Ill. Reg. 20349, effective December 7, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 2630.82 Procurement

a) Procurement Systems for State Agency Grantees and Subgrantees - State agency grantees and subgrantees shall administer procurement systems in accordance with the Standard Procurement Rules of the Department of Central Management Services (44 Ill. Adm. Code 1) for selection of JTPA providers.

b) Procurement Systems for Non-State Agency Grantees and Subgrantees - All grantees and subgrantees shall administer procurement systems. The procurement system shall take into consideration past performance (e.g., entered employment rates, cost per placement, and ability to meet contract objectives). The procurement system may consider other criteria as determined locally. The procurement system shall include the following requirements:

1) Grantee/Grantor Responsibility

These standards do not relieve the grantee/subgrantee of any contractual responsibilities under its contracts. The grantee/subgrantee is responsible, in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements entered in support of a grant. These include but are not limited to source evaluation, protests, disputes, and claims. Violations of law are to be referred to the local, State, or Federal authority having proper jurisdiction.

2) Code of Conduct

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NOTICE OF PROPOSED AMENDMENTS

A) Grantees/subgrantees shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. Pursuant to Section 141(f) of the Act, no Private Industry Council (PIC) member shall participate in the selection or in the award of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Additionally, no employee, officer, or agent of the grantee/subgrantee, or governing body of the grantee shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Such a conflict shall arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization which employs any of the previously identified, has a financial or other interest in the entity selected for an award. This provision does not prohibit a community based organization, education agency, employer, or other service provider represented by a PIC member from receiving a subgrant for the provision of training and/or services to participants. However, when such a conflict of interest arises, PIC members must abstain from voting on the award of the subgrant. The grantee is prohibited from awarding a subgrant

- i) to any PIC member for performing administrative services (i.e., consultant services, accounting services, etc.); or
- ii) to any PIC member or entity with which he/she is affiliated which results in direct personal gain to the PIC member.

B) The grantee's/subgrantee's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from service providers, potential service providers (i.e., persons who perform services of type contracted for), or parties to grants.

3) Selection Procedures

A) All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that

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provides maximum open and free competition consistent with this Section. Procurement procedures shall not restrict or eliminate competition. Examples of what shall be considered to be restrictive of competition include, but are not limited to:

- i) placing unreasonable or different requirements on various firms in order for them to qualify for the same procurement;
- ii) noncompetitive practices between firms;
- iii) organizational conflicts of interest; and
- iv) unnecessary experience and bonding requirements (i.e., requests for qualifications or experience that are not related to the services to be procured);²
- v) non-competitive awards to consultants that are on retainer contracts; and
- vi) specifying only a "brand name" product instead of allowing an "equal" product to be offered and describing the performance of other relevant requirements of the procurement.

B) The grantee/subgrantee shall have written selection procedures which shall provide, at a minimum, the following procedural requirements:

- i) Solicitations of offers, whether by competitive sealed bids or competitive proposals shall incorporate a clear and accurate description of the technical requirements for the service to be procured. Such description shall not, in competitive procurements, contain features which restrict competition. The description shall include a statement of the qualitative nature of the service to be procured and set forth those standards to which the service shall conform in order to meet the program purpose. Solicitations of offers shall clearly set forth all requirements which service providers/contractors must fulfill and all other factors to be used in evaluating proposals pursuant to Section 2640-2 2630.82(b)(3)(B)(ii) of this Part.

NOTICE OF PROPOSED AMENDMENTS

ii) Awards shall be made only to service providers/contractors that demonstrate the ability to meet objectives of the proposed procurement. Examples of how the ability to meet the procurement objects can be demonstrated include, but are not limited to: financial resources, technical qualifications, experience, organization and facilities adequate to carry out the project; resources to meet the completion schedule contained in the contract; a satisfactory performance record for completion of contracts; and accounting and auditing procedures adequate to control property, funds and assets, pursuant to Sections 2630.83(a) and (b) and 2630.84(c) through (i) of this Part.

C) Grantees/subgrantees shall conduct a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into inter-grantee agreements for procurement or use of common goods and services. Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

D) The grantees and subgrantees shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- i) placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- ii) assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- iii) dividing total requirements, when economically

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feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

iv) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

v) using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

vi) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subsections(b)(3)(D)(i) through (v).

E) Contract Cost and Price

i) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his/her estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

ii) Grantees and subgrantees shall negotiate profit as a separate element of the price for each contract in which there is no price competition

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and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, and quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

iii) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with the cost principles as shown in Section 2630.110.

iv) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

v) Additionally, in the case of fixed unit price/performance based contracting, all contracts must conform to the provisions of Section 2630.105.

F) Grantee/subgrantee contracts must contain the following provisions:

i) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

ii) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement.

iii) Compliance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and as supplemented in Department of Labor regulations (41 CFR 60, revised as of July 1, 1989).

iv) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR 3,

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revised as of July 1, 1989).

v) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR 5, revised as of July 1, 1989).

vi) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR 5, revised as of July 1, 1989).

vii) Notice of Departmental requirements and regulations pertaining to reporting, if any.

viii) Notice of Departmental requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

ix) Departmental requirements and regulations pertaining to copyrights and rights in data as contained in the grant agreement.

x) Access by the grantee, the subgrantee, the U.S. Department of Labor, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

xi) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

xii) Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR 15, revised as of July 1, 1989).

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xiii) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P. L. 94-163, effective December 22, 1975).

xiv) Grantees and subgrantees acknowledge that receipt of funds under a contract may require compliance with Section 319 of Public Law 101-121 (31 U.S.C.A. 1352) regarding the certification and disclosure of lobbying activities with the Federal Government and agree to comply with those provisions, and all Federal rules promulgated by the Federal Grantor which is the funding source for implementation of the Federal program; and will require that this assurance of compliance with Federal lobbying restrictions is part of any agreement with all subrecipients or subgrantees.

xv) Grantees and subgrantees receiving Federal funds of \$25,000 or more must provide assurance of nondebarment, suspension and other responsibility matters pursuant to Executive Order 12549 and 29 CFR 98 (as published in the May 26, 1988 Federal Register at 53 FR 19188).

G) Grantees and subgrantees shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.

H) Grantees and subgrantees shall make available, upon request of the Department, technical or any other specifications on proposed procurements where the Department believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review may take place prior to or after the time the specification is incorporated into a solicitation document. Grantees and subgrantees must on request make available for Departmental pre-award review, procurement documents such as Requests for Proposals or invitations for bids, and cost estimates.

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4) Methods of Procurement - Procurement under grants shall be made by one of the following methods: procurement by small purchase procedures, procurement by sealed bids, procurement by competitive proposals, or procurement by noncompetitive proposals.

A) Small purchase procedures are those relatively simple (e.g., price or rate quotations documented to the file which describe what is being procured, date provided, provider, amount and delivery date) and informal procurement methods for securing services, supplies, or other property that do not cost more than \$25,000 in the aggregate with a single vendor during a fiscal year. If small purchase procurements are used, price or rate quotations will be obtained from an adequate number of qualified sources.

B) Sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price. The sealed bid is the preferred method for procuring construction, if the conditions which follow apply. In order for sealed bids to be feasible, the following conditions should be present: a complete, adequate and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the business; and the procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally on the basis of price. If sealed bids are to be used, the following requirements apply:

i) the invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers as evidenced by documentation of an attempt to identify and obtain three bids, providing them sufficient time (a minimum of ten working days) prior to the date set for opening the bids;

ii) the invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

iii) all bids shall be publicly opened at the time

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and place prescribed in the invitation for bids;

- iv) a firm-fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

- v) any or all bids may be rejected if there is a sound, documented reason.

- c) Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

- ii) Proposals will be solicited from an adequate number of qualified sources;

- iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

- iv) Award will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

- v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to

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negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- D) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or PIC approved continuation if after solicitation of a number of sources competition is determined inadequate.

- i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency Department authorizes noncompetitive proposals; or after solicitation of a number of sources, competition is determined inadequate.

- ii) Programs whose funds are allocated under Sections 202(a), 202(b)(2), 252(b), and 302(d) which are determined to be effective by the PIC using locally developed standards of effectiveness may be continued by noncompetitive proposals if the PIC reviews their performance and supports continuation of the grant.

- iii) Cost analysis, i.e., verifying the proposed cost data, and the evaluation of the specific elements of costs and profit, is required.

- 5) Grantee Procurement Records

Grantees shall maintain records which detail the history of a procurement. These records shall include, but are not necessarily limited to the following: the method of procurement, and the basis for the selection or rejection of a service provider, and the basis for the contract price.

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- c) Sole source awards for on-the-job training of program participants may be made, provided that an employer-employee relationship exists and that the employer will provide job training to enable the participant to perform as a regular employee of the employer's (or another employer's) establishment. When such awards are made, records of the awards shall be maintained.
- d) All grantees and subgrantees shall maintain a list of potential providers/contractors who have expressed an interest, in writing, in being considered for awards. The list shall include names, addresses, and services. All potential providers/contractors, who have expressed interest in being considered for awards, shall be sent Requests for Proposals for the area or areas of service for which they wish to be considered. The list shall be considered to be public information.

- e) Programs - determined - to - be - effective - by - the - Private - Industry Council - (PIC) - using - locally - developed - standards - of - effectiveness - may - be - continued - by - noncompetitive - proposals - in - accordance - with subsection (b)(4)(B) - provided - that

- 1) in - the - case - of - programs - operated - by - service - delivery - areas; as - defined - in - Section - 101 - of - the - Act; - the - Private - Industry Council - (PIC) - reviews - their - performance - and - supports continuation - of - the - grant; - and

- 2) in - the - case - of - programs - supported - by - funds - authorized - by Sections - 202(b) - and - 301 - of - the - Act; - the - Illinois - Job Training - Coordinating - Council; - in - accordance - with - Section 122(b) - of - the - Act; - reviews - their - performance.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 2630.83 Property Management

- a) Personal and real property procured with grant funds must be used for grant purposes.
- b) The grantee shall maintain accountability for such property in accordance with Section 2630.84(c) and (e) of this Part.
- c) The State shall retain title to all real and non-expendable personal property.
- d) Non-expendable personal property is defined as equipment or other personal property of a tangible nature having a useful life of more than one year and having an acquisition cost of \$100 or more.

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- d)e) The grantee may not purchase equipment with a unit acquisition cost greater than \$1500 without prior approval from the State.

- e)f) All - real - and - non - expendable - personal - property - is - to - be - maintained - on - the - State's - inventory - system - All - real - property, - and - non - expendable - personal - property - with - an - acquisition - cost - of - \$300 or more, shall be maintained on the State's inventory system. Non-expendable personal property with an acquisition cost of less than \$300 shall be maintained on the grantee's inventory system.

- f)g) Disposition of all real and non-expendable personal property will be per instructions and communications received by the grantee from the Department.

- g)h) Standards used in determining whether to grant approval include the necessity of such purchases to achieve program goals and the planned expenditure for such purposes as compared to other available prices.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Unlawful Operations

2) Code Citation: 92 Ill. Adm. Code 1308

3) Section Numbers:
 1308.10
 1308.20
 1308.30
Proposed Action:
 New Section
 New Section
 New Section

4) Statutory Authority: Implementing Section 18c-4104 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18c-1101 et seq.).

5) A Complete Description of the Subjects and Issues Involved: Section 18c-4104(1) provides that it is unlawful to "aid or abet any other person in a violation of this Chapter, Commission regulations or orders, by soliciting, receiving, or compensating service from a person not authorized to provide such service, or at other than lawful rates for such service, or otherwise". This rulemaking provides further definition of aiding and abetting.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Kathy Campbell Lynch
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62794

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: May 15, 1991

B) Types of small businesses affected: This amendment will affect those carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of Proposed Amendment begins on the next page:

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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
 CHAPTER III: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1308
 UNLAWFUL OPERATIONS

Section

1308.10 Unlawful Operations
 1308.20 Aiding and Abetting - Rates
 1308.30 Aiding and Abetting - Authority

AUTHORITY: Implementing Section 18c-4104 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18c-1101 et seq.).

SOURCE: Adopted at Ill. Reg. , effective

Section 1308.10 Unlawful Operations

The enumeration of violations in this Part does not constitute an exhaustive listing of all violations of the Illinois Commercial Transportation Law (Law) (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18c-1101 et seq.) or any individual section thereof.

Section 1308.20 Aiding and Abetting - Rates

For purposes of imposing sanctions as authorized by Section 18c-1704(2) through (7) of the Law, a person aids or abets a licensed carrier in a violation of Sections 18c-3206 and 18c-4104(1)(j) of the Law when either:

- (a) The person hires a carrier to provide transportation services, and:
 - (1) is informed by the carrier of the rate to be charged for the services to be performed, which rate is specified in a lawfully applicable tariff or schedule on file with the Commission; and
 - (2) is billed by the carrier at that rate; and
 - (3) without good cause, intentionally pays the carrier an amount different from the amount billed by the carrier; or
- (b) The person offers to hire a carrier to provide

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transportation services at a rate which the person knows:

- (1) is not specified in a lawfully applicable tariff or schedule on file with the Commission; and
- (2) cannot legally become effective prior to the time the transportation services are to be provided by the carrier; or
- (c) The person, without sufficient cause, fails or refuses to pay to a carrier the amount of undercharges which the Commission has ordered the carrier to collect from that person. The fact that the person and the carrier had negotiated a rate other than the rate specified in a lawfully applicable tariff or schedule shall not constitute sufficient cause.
- (d) The unintentional or accidental payment of a rate different from the rate contained in a lawfully applicable tariff will not constitute aiding and abetting.

Section 1308.30 Aiding and Abetting - Authority

For purposes of imposing sanctions as authorized by Section 18c-1704(2) through (7) of the Law, a person aids or abets another in a violation of Section 18c-4104(1)(a) of the Law when the person receives service from a person who is not licensed by or registered with the Commission to perform the service rendered.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS: PROPOSED ACTION:

810.35 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments have been proposed to add language outlining the method for measuring fish, to state that the head and tail must not be removed while on the waters to which length limits apply, and to add that no fish less than the specified minimum length or more than the daily catch shall be possessed on the water to which length limits and/or daily catch limits apply.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? Section Numbers Proposed Action Illinois Register Citation

810.45 Amendments 17 Ill. Adm. Code 5160 April 12, 1991

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988;

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amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendments at 15 Ill. Reg. 5430, effective March 27, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. _____, effective _____.

Section 810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits

a) Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with the mouth of the fish closed and the tail lobes pressed together.

b) No person may remove the head or tail of fishes to which length limits apply while on the waters to which length limits apply. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.

c) Statewide limits by type of fish:

e+) 1) CHANNEL CATFISH

There are no daily catch or size limits except in those waters listed under Site Specific Regulations.

b+) 2) LARGEMOUTH BASS, SMALLMOUTH BASS, SPOTTED BASS

Daily catch limit is 6 bass, either singly or in the aggregate, except as specified under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.

e+) 3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS

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3+) A) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 30 inches in total length or longer.

2+) B) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate may be taken per day.

3+) C) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River where there is no size limit.

4+) D) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.

e+) 4) CRAPPIE (BLACK AND WHITE CRAPPIE)

There are no catch or size limits except in those waters listed under Site Specific Regulations.

e+) 5) BLUEGILL AND REDEAR SUNFISH

There are no catch or size limits except in those waters listed under Site Specific Regulations.

f+) 6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND HYBRIDS

There are no daily catch limits or minimum size limits for striped bass (ocean rockfish), white bass, and their hybrids which are less than 17 inches in total length, except in those waters listed under Site Specific Regulations. For these fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate.

g+) 7) TROUT AND SALMON

Daily catch limit is 5 trout or salmon, either singly or in the aggregate, not more than 3 of which may be lake trout.

h+) 8) WALLEYE AND SAUGER

Daily catch limit is 6 walleye or sauger, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. There is

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no size limit except in those waters listed under Site Specific Regulations.

(Source: Amended at 15 Ill. Reg. _____, effective _____, 1991)

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

1) HEADING OF THE PART: White-Tailed Deer Hunting Season by Use of Handguns

2) CODE CITATION: 17 Ill. Adm. Code 680

3) SECTION NUMBERS:

680.10 New Section
680.20 New Section
680.30 New Section
680.40 New Section
680.50 New Section
680.60 New Section
680.70 New Section

PROPOSED ACTION:

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This new administrative rule outlines the regulations for the 1992 handgun deer season. The rule provides the season dates, hunting hours, permit requirements, statewide regulations, reporting requirements and specifications for handgun and ammunition.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED RULES CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED RULES BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

Section

- 680.10 Statewide Season
- 680.20 Statewide Deer Permit Requirements
- 680.30 Deer Permit Requirements - Group Hunt
- 680.40 Statewide Handgun Requirements for Deer Hunting
- 680.50 Statewide Deer Hunting Rules
- 680.60 Reporting Harvest
- 680.70 Rejection of Application/Revocation of Permits

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

SOURCE: Adopted at 15 Ill. Reg. _____, effective _____.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on Friday of the third 3-day weekend (Friday, Saturday, Sunday) in January to sunset on Sunday of this 3-day weekend in January. Shooting hours are one-half hour before sunrise to sunset.

- b) For the purpose of removing surplus deer, the Department of Conservation (Department) will open select counties to handgun deer hunting. The Department will notify the public of the counties that are projected to have surplus deer populations via a news release. These counties also will be listed in the instructions contained with the 1992 Handgun Deer Permit Application.

Section 680.20

Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00) and must be 18 years of age or older. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation

DEPARTMENT OF CONSERVATION

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(Handgun Deer Season)
Deer Permit Office
524 South Second Street, Room 210
Post Office Box 19227
Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through November 8 for the 1992 Handgun Deer Season in January. Applications post-marked after November 8 shall not be included in the drawing. Permits shall be allocated in a random drawing. Applicants shall apply for only one county. Permits not correctly filled out shall be rejected from the random drawing. Permits will be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Applicants must complete all portions of the Handgun Deer Permit Application form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) Each applicant must apply using the official agency Handgun Deer Permit Application.
- f) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season, hold a valid Firearm Owner's Identification Card and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 3.36).
- g) Applications shall be accepted at the counter window of the permit office; however, permits will be mailed.
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A three dollar (\$3.00) service fee shall be charged for

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replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

- j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

Section 680.30 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.
- b) Each individual must sign his or her own application.
- c) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical group leader.

Section 680.40 Statewide Handgun Requirements for Deer Hunting

- a) The only legal hunting device is a centerfire handgun of .30 caliber or larger with a minimum barrel length of 4 inches. It shall be unlawful to take or attempt to take white-tailed deer by the use of a semi-automatic handgun.
- b) The only legal ammunition is any centerfire, handgun cartridge of .30 caliber or larger, that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle and whose case length does not exceed 1.4 inches. Full-metal jacket bullets cannot be used to harvest white-tailed deer.
- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Handgun Deer Season.

Section 680.50 Statewide Deer Hunting Rules

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- a) Bag limits: one deer per legally authorized permit.
- b) Totally white, white-tailed deer are protected pursuant to Section 2.24 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 2.24) and are illegal to kill.
- c) The Handgun Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owners Identification number, hunting license number and physical description recorded on the permit and be carried on the person while hunting.

- d) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.

- e) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferrable).

- f) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

Section 680.60 Reporting Harvest

- a) Within 48 hours of taking a deer by handgun the hunter must check the deer in at a county handgun deer check station.
- b) Failure to follow this Section constitutes illegal possession of deer.

Section 680.70 Rejection of Application/Revocation of Permits

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NOTICE OF PROPOSED RULES

- a) Any of the following shall result in rejection of an application:
- 1) Submitting more than one application in the same name or by the same person for a Handgun Deer Permit. This will also result in the forfeiture of application fees submitted.
 - 2) Providing false and/or deceptive information on the deer permit application form.
 - 3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.
 - 4) Submitting an incomplete or incorrect application.
- b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

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NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: ADMINISTRATION OF SOCIAL SERVICE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.400 New Section
130.500 Amendment
- 4) Statutory Authority: Sections 12-4.5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 12-4.5 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides for the delivery of emergency food and shelter services to homeless persons.
- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Bldg. II, 100 South Grand Avenue East, 3rd Flr., Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begin on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER C: SOCIAL SERVICES

PART 130

ADMINISTRATION OF SOCIAL
SERVICE PROGRAMS

SUBPART A: TITLE XX BLOCK GRANT PROGRAM

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Expenditure of Block Grant Funds
Limitations on Services and Expenditures
Eligibility For Services
Opportunity to Apply For and Receive Services
Client Case Records
Purchase Of Services
Record Retention
Fees For Purchased Services
Fees For Services Provided Through Grants-In-Aid
Reporting Requirements

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section
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Applicability Of Other Sections
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Program Administration
Request For Proposal
Allied Agency Responsibilities
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Sources of Locally Generated Funds Used to Match
Title XX Funds
Donor Restrictions on Donations (Repealed)
Reimbursement Process - Donations (Transferred Funds
or Co-Payments)
Advance Disbursement System
Reimbursement Process (Certification of Expended
Funds)
Assignment of Budget Costs

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SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section 130.200 Domestic Violence Shelter and Service Programs

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section
130.300 Program Administration
130.301 Definitions
130.302 Allocation Methodology for Federal Surplus Commodities
130.310 Distribution Network Agencies
130.311 Local Distribution Centers
130.312 Liability of Distribution Network Agencies
130.313 Reports and Maintenance of Records
130.314 Payment for Distribution
130.315 Second Harvest Shared Maintenance Fees
130.320 Eligibility to Receive Commodities
130.321 Issue Rates of Commodities

SUBPART E: SERVICES FOR THE HOMELESS

130.400 Emergency Food and Shelter Program

SUBPART EE: INCORPORATION BY REFERENCE

Section 130.500 Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 9-1, 12-4.5 through 12-4.7, and 12-13); and Sections 2 and 3 of "AN ACT in relation to domestic relations and domestic violence shelters and service programs", (Ill. Rev. Stat. 1989, ch. 40, pars. 2402 and 2403)

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990; amended at 14 Ill. Reg. 14537, effective August 29, 1990; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART E: SERVICES FOR THE HOMELESS

Section 130.400 Emergency Food and Shelter Program

- a) The Department shall provide for the delivery of services to homeless persons (For definition of "homeless", see 89 Ill. Adm. Code 121.7(a)(3).)
- b) The services will include one or more of the following elements:
- 1) provision of emergency food and shelter to homeless persons;
 - 2) provision of ancillary services (e.g., counseling, job training, advocacy) to homeless persons; and
 - 3) rehabilitation of new or existing buildings to create additional shelter beds or to upgrade facilities for homeless persons.
- c) To receive funds made available by the Department under this Section, a service provider must supply cash or in-kind contributions (e.g., volunteer services) equal to 25% of the cost of the service program being funded. No fees shall be assessed against recipients of services provided through funds made available under this Section, unless specifically approved by the Department. Recipients of services may be required to make non-financial contributions to the service provider, e.g., light housekeeping, and meal preparation.
- d) Participation in or contributions to any service provider's functions or activities not directly related to the provision of emergency food and shelter services shall not be required as a condition of recipient eligibility.

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART EE: INCORPORATION BY REFERENCE

Section 130.500 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are

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Section 130.500 Incorporation By Reference (Cont'd)

incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Emergency Medical Services Code

2) Code Citation:

77 Ill. Adm. Code 535

3) Section Numbers:

535.10
535.20
535.210
535.217
535.1000
535.Appendix A

Proposed Action:

Amendments
Amendments
Amendments
New Section
New Section
New Section

4) Statutory Authority:

Emergency Medical Services Systems Act

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 5501 et seq. as amended by P.A. 86-1461

5) A Complete Description of the Subjects and Issues Involved:

In Section 535.10, the definition of Emergency Medical Services (EMS) System has been expanded to include the words "or System" in response to a recommendation from JCAR.

In Section 535.20, the citations for Federal Specifications for Ambulance and Emergency Medical Technician-Ambulance Curriculum have been corrected, and addresses where these documents and the EMT-Intermediate and EMT-Paramedic Curricula may be obtained have been included in response to a recommendation from JCAR.

In Section 535.210(o), language has been added to require systems to provide written protocols for hospital bypass in accordance with P.A. 86-1461.

Section 535.217 is being added to allow EMS Systems to develop and implement a policy for Do Not Resuscitate (DNR) orders. The rulemaking specifies what must be included in a DNR policy for it to be approved by the Department. Also included (as Appendix A) is a DNR order form to be used by physicians.

Subpart N, Section 535.1000 has been added to provide for investigation of violations and imposition of penalties in accordance with P.A. 86-1461.

The economic effect of this proposed rulemaking is unknown. Therefore,

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the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

If "yes," please specify type: 6.02(a) or 6.02(b)

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

This rulemaking will affect hospitals and ambulance services owned by units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

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Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Hospitals, ambulance services.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

N/A.

D) Types of Professional Skills Necessary for Compliance:

N/A.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 535
 EMERGENCY MEDICAL SERVICES CODE

SUBPART A: GENERAL

Section

535.10 Definitions
 535.20 Incorporated Materials

SUBPART B: COMMUNICATIONS

Section

535.50 General Communications
 535.60 EMS Systems Communications

SUBPART C: LICENSURE OF AMBULANCE SERVICE PROVIDERS

Section

535.100 Licensure of Ambulance Service Providers - General
 535.110 Denial, Nonrenewal, Suspension and Revocation of Ambulance Service Providers
 535.120 Renewal of License
 535.130 Renewal of License Denied (Repealed)
 535.140 Revocation of License (Repealed)
 535.150 Ambulance Licensing Requirements

SUBPART D: EMERGENCY MEDICAL SERVICES SYSTEM PROGRAM

Section

535.200 Emergency Medical Services System Program - General
 535.210 EMS System Program Plan
 535.215 Approval of Additional Drugs and Equipment
 535.217 Do Not Resuscitate (DNR) Policy
 535.220 Additions to an Approved Program
 535.230 EMS System Personnel Standards
 535.240 Minimum Standards for Continuing Operation
 535.250 Resolution of Conflicts (Repealed)
 535.260 System Participation Suspensions
 535.265 System Review Board
 535.270 State EMS Disciplinary Review Board

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE
 (EMT-A)

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Section
 535.300 Emergency Medical Technician - Ambulance Training - General
 535.310 EMT-A Testing
 535.315 Fee For Testing
 535.320 EMT-A Certification
 535.330 EMT-A Recertification
 535.335 EMT-A Continuing Education
 535.340 Failure to Recertify - Denial of Recertification
 535.350 Penalty (Repealed)

SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE
 (EMT-I)

Section
 535.400 Emergency Medical Technician - Intermediate Training - General
 535.410 EMT-I Testing
 535.415 Fee For Testing
 535.420 EMT-I Certification
 535.430 EMT-I Recertification
 535.432 EMT-I Continuing Education
 535.435 Failure to Recertify - Denial of Recertification
 535.440 EMT-I Inactive Status
 535.450 Penalty (Repealed)

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC
 (EMT-P)

Section
 535.500 Emergency Medical Technician - Paramedic Training - General
 535.510 EMT-P Testing
 535.515 Fee For Testing
 535.520 EMT-P Certification
 535.530 EMT-P Recertification
 535.532 EMT-P Continuing Education
 535.535 Failure to Recertify - Denial of Recertification
 535.540 EMT-P Inactive Status
 535.550 Penalty (Repealed)

SUBPART H: RECIPROCITY

Section
 535.600 Reciprocity

SUBPART I: SUSPENSION, REVOCATION AND DENIAL OF CERTIFICATION
 OF EMTs

Section
 535.650 Suspension, Revocation and Denial of Certification of EMTs

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SUBPART J: DATA COLLECTION AND EVALUATION

Section

535.700 Data Collection and Evaluation

Section

535.750 Waiver Provisions

SUBPART K: WAIVER PROVISIONS

SUBPART L: REGISTERED PROFESSIONAL NURSE (FIELD RN/MICN)

Section

535.800 General Provisions

535.810 Field RN Training

535.820 Field RN Testing

535.830 Field RN Approval

535.840 Field RN Renewal

535.850 MICN Training

535.860 MICN Approval

535.870 Reciprocity

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES
VEHICLE (SENSV) PROGRAMS

Section

535.900 Certification of SENSV Programs - General

535.910 Denial, Nonrenewal, Suspension or Revocation of Certification

535.920 SENSV Program Certification Requirements for All Vehicles

535.930 Helicopter and Fixed-Wing Aircraft Requirements

535.931 EMS Pilot Specifications

535.932 Aeromedical Crew Member Training Requirements

535.933 Aircraft Vehicle Specifications and Operations

535.934 Aircraft Medical Equipment and Drugs

535.935 Vehicle Maintenance

535.936 Aircraft Communications and Dispatch Center

535.940 Watercraft Requirements

535.941 Watercraft Vehicle Specifications and Operation

535.942 Watercraft Medical Equipment and Drugs

535.943 Watercraft Communications and Dispatch Center

535.950 Off-Road SENSV Requirements

535.951 Off-Road Vehicle Specifications and Operation

535.952 Off-Road Medical Equipment and Drugs

535.953 Off-Road Communications and Dispatch Center

SUBPART N: VIOLATIONS AND PENALTIES

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Section

535.1000 Violations and Penalties

Appendix A

Do Not Resuscitate (DNR) Order

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 5501 et seq.)

SOURCE: Adopted at 5 Ill. Reg. 5670, effective May 19, 1983; amended and codified at 8 Ill. Reg. 11623, effective June 27, 1984; amended at 11 Ill. Reg. 1433, effective February 1, 1987; amended at 11 Ill. Reg. 17219, effective October 15, 1987; amended at 11 Ill. Reg. 20945, effective December 15, 1987; amended at 12 Ill. Reg. 22406, effective December 15, 1988; amended at 13 Ill. Reg. 15414, effective September 15, 1989; amended at 13 Ill. Reg. 15716, effective September 15, 1989; amended at 14 Ill. Reg. 15390, effective September 1, 1990; amended at 15 Ill. Reg. 5722, effective April 10, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 535.10 Definitions

For the purposes of this Part:

"Act" means the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 5501 et seq.)

"Administrative Hearing" means a hearing conducted by the Department pursuant to a Department action to deny, suspend or revoke an EMT certification or an ambulance license, and in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE (ALS/MIC)(ALS)" MEANS AN ADVANCED LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BASIC LIFE SUPPORT FUNCTIONS, (INCLUDING CARDIOPULMONARY RESUSCITATION (CPR) PLUS CARDIAC MONITORING, CARDIAC DEFIBRILLATION, TELEMETERED ELECTROCARDIOGRAPHY, ADMINISTRATION OF ANTIARRHYTHMIC AGENTS, INTRAVENOUS THERAPY, ADMINISTRATION OF MEDICATIONS, DRUGS AND SOLUTIONS, USE OF ADJUNCTIVE MEDICAL DEVICES, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES) INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE THREATENING CONDITIONS UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN AN ILLINOIS DEPARTMENT OF PUBLIC HEALTH APPROVED ADVANCED LIFE SUPPORT SYSTEM. (Section 4.01 of the Act).

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"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES (ALS-MIC)(ALS)" MEANS A HOSPITAL PROVIDING WITH THE APPROVAL OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (See Subpart D of this Part), PRE-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.02 of the Act).

"ADVANCED LIFE SUPPORT PERSONNEL" MEANS PERSONS ENGAGED IN THE PROVISION OF ADVANCED LIFE SUPPORT, AS DEFINED AND REGULATED BY THIS PART PROMULGATED PURSUANT TO THE ACT. (Section 4.03 of the Act).

"Aeromedical crew member" or "Watercraft crew member" or "Off-road SEMSV crew member" means an individual, other than an EMS pilot, who has been approved by a SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program (See Sections 535.932(a) and (b), or 535.940(8)(B) through (D), or 535.950(7)(A) and (B) of this Part).

"Alternate Project Medical Director" or "Alternate PMD" means the physician who is designated by the Resource Hospital to direct the ALS/ILS operations in the absence of the Project Medical Director.

"AMBULANCE" MEANS ANY PUBLICLY OR PRIVATELY OWNED VEHICLE THAT IS SPECIFICALLY DESIGNED, CONSTRUCTED OR MODIFIED AND EQUIPPED, AND IS INTENDED TO BE USED FOR, AND IS MAINTAINED OR OPERATED FOR THE EMERGENCY TRANSPORTATION OF PERSONS WHO ARE SICK, INJURED, WOUNDED OR OTHERWISE INCAPACITATED OR HELPLESS (See Subpart C of this Part). (Section 4.05 of the Act).

"Ambulance Service Provider" or "Ambulance Provider" means any individual, group of individuals, corporation, partnership, association, trust, joint venture, individual doing business under an assumed name, unit of local government or other public or private ownership entity which owns and operates a business or service utilizing one or more ambulances or EMS vehicles for the transportation of emergency patients.

"Areawide Hospital Emergency Medical Services (AHES) Committees" means those bodies formed pursuant to Section 1.1 of "AN ACT requiring hospitals to render hospital emergency service in case of injury or acute medical condition and to implement emergency hospital, medical and surgical services on a community or areawide basis" (Ill. Rev. Stat. 1989, ch 111 1/2, par. 86.1), and in compliance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.730).

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"Associate Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting the mobile intensive care personnel training program nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive Emergency Department with a 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Associate Hospital EMS Coordinator" means the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"Associate Hospital EMS Medical Director" means the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"BASIC LIFE SUPPORT (BLS) SERVICES" MEANS THE RENDERING OF BASIC LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE, INCLUDING BUT NOT LIMITED TO AIRWAY MANAGEMENT, CARDIOPULMONARY RESUSCITATION, CONTROL OF SHOCK AND BLEEDING AND SPLINTING OF FRACTURES, AS OUTLINED IN A BASIC EMERGENCY CARE COURSE APPROVED BY THE DEPARTMENT AND MEETING THE CURRENT NATIONAL CURRICULUM OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION. (Section 4.06 of the Act).

"CENTRAL COMMUNICATIONS SYSTEM" MEANS A RADIO AND COMMUNICATIONS COMMAND AND CONTROL CENTER OR CENTERS RESPONSIBLE FOR ACCEPTING CALLS FROM THE PUBLIC FOR EMERGENCY MEDICAL SERVICES, FOR DISPATCHING EMERGENCY MEDICAL SERVICES PERSONNEL AND VEHICLES, FOR RADIO COORDINATION OF EMERGENCY MEDICAL SERVICES VEHICLES AND PERSONNEL, FOR COORDINATION OF MEDICAL COMMUNICATIONS BETWEEN EMERGENCY MEDICAL SERVICES PERSONNEL AND PUBLIC SAFETY AGENCIES, AND WHERE APPLICABLE, FOR COORDINATION AND MANAGEMENT OF RADIO FREQUENCIES DEVOTED TO BIOMEDICAL TELEMETRY. (Section 4.07 of the Act).

"Channel, Half-Duplex" means a radio channel that transmits and receives signals, but in only one direction at a time.

"CONSUMER" MEANS A PERSON IN THIS STATE WHO IS A RECIPIENT OR POTENTIAL RECIPIENT OF THE SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES SYSTEM, WHO RECEIVES NO DIRECT OR INDIRECT PERSONAL, FINANCIAL, OR PROFESSIONAL BENEFIT AS A RESULT OF AN ASSOCIATION WITH

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HEALTH CARE OR EMERGENCY SERVICES OTHER THAN THAT GENERALLY SHARED BY THE PUBLIC AT LARGE, AND WHO IS NOT OTHERWISE CONSIDERED A PROVIDER UNDER THE PROVISIONS OF THIS ACT. (Section 4.08 of the Act).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.09 of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.10 of the Act).

"Dysrhythmia" means a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

"Effective Radiated Power (ERP)" means the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

"Electrocardiogram" means a single lead rhythm strip graphic recording of the electrical activity of the heart by a series of deflections which represent certain components of the cardiac cycle.

"EMERGENCY" MEANS A CONDITION OR SITUATION IN WHICH AN INDIVIDUAL DECLARES A NEED FOR IMMEDIATE MEDICAL ATTENTION OR WHEN THAT NEED IS DECLARED BY EMERGENCY MEDICAL PERSONNEL OR A PUBLIC SAFETY OFFICIAL. (Section 4.11 of the Act).

"EMERGENCY MEDICAL SERVICES (EMS) SYSTEM OR SYSTEM" MEANS AN ORGANIZATION OF PROVIDERS WHICH THROUGH A PROGRAM PLAN SUBMITTED TO AND APPROVED BY THE DEPARTMENT (pursuant to Subpart D of this Part) ENTITLES A HOSPITAL TO UTILIZE QUALIFIED PERSONNEL SPECIFIED IN THE ACT TO PROVIDE OR COORDINATE PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE AT AN ADVANCED OR INTERMEDIATE LEVEL, TO VICTIMS OF ILLNESS OR INJURY WITHIN THE AREA SPECIFIED IN THE PROGRAM PLAN. ADVANCED OR INTERMEDIATE LEVEL SERVICES MAY INCLUDE THE UTILIZATION OF BLS LEVEL SERVICES. ONE HOSPITAL IN EACH PROGRAM PLAN MUST BE DESIGNATED AS THE RESOURCE HOSPITAL. ALL HOSPITALS AND AMBULANCE PROVIDERS PARTICIPATING IN AN EMS SYSTEM MUST SPECIFY THEIR LEVEL OF PARTICIPATION IN THE PROGRAM PLAN. (Section 4.18 of the Act).

"Emergency Medical Services System Survey" means a questionnaire which provides data to the Department for the purpose of compiling annual reports.

"Emergency Medical Services Vehicle (EMS vehicle)" means any vehicle used for BLS, ILS or ALS, as a special EMS unit or rescue vehicle, operating within an approved EMS System.

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"EMERGENCY MEDICAL TECHNICIAN-AMBULANCE" OR "EMT-A" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION IN BASIC LIFE SUPPORT SERVICES AS REQUIRED AND IS CURRENTLY CERTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE ACT AND THIS PART, WHO PROVIDES EMERGENCY MEDICAL SERVICES. (Section 4.12 of the Act).

"EMERGENCY MEDICAL TECHNICIAN INTERMEDIATE" OR "EMT-I" MEANS AN EMT-A CURRENTLY CERTIFIED BY THE DEPARTMENT WHO HAS COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart F of this Part) IN SPECIFIC ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND WHO IS CURRENTLY FUNCTIONING IN A PROGRAM APPROVED BY THE DEPARTMENT TO PROVIDE SUCH SERVICES UNDER THE SUPERVISION AND CONTROL OF A PROJECT MEDICAL DIRECTOR. (Section 4.15 of the Act).

"EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC" OR "EMT-P" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart G) IN ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND IS CURRENTLY CERTIFIED BY THE DEPARTMENT. NO SPONSORSHIP OR EMPLOYMENT SHALL BE REQUIRED FOR TRAINING OR HOLDING CERTIFICATION AS AN EMT-P. (Section 4.13 of the Act).

"EMS System Coordinator(s)" means the designated individual(s) responsible to the Project Medical Director and Project Director for coordination of the educational and functional aspects of the System program.

"EMS System Program Plan" means the document prepared by the Resource Hospital and approved by the Department which describes the EMS System program and directs the program's operation (see Subpart D of this Part).

"FCC" means the Federal Communications Commission.

"Fixed-wing aircraft" means an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

"HEALTH SYSTEMS AGENCY" MEANS A HEALTH SYSTEMS AGENCY AS DEFINED IN 42 USC 300 L-1 (a). (Section 4.14 of the Act).

"Helicopter" or "Rotorcraft" means an aircraft that is capable of vertical take-offs and landings, including maintaining a hover.

"HOSPITAL" HAS THE MEANING ASCRIBED TO IT IN THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par 142 et seq.). (Section 4.04 of the Act).

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"Instrument Flight Rules" or "IFR" means the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR) (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129).

"Instrument Meteorological Conditions (IMC)" means meteorological conditions expressed in terms of visibility, distance from clouds and ceiling which requires Instrument Flight Rules.

"INTERMEDIATE LIFE SUPPORT CARE" or "ILS" MEANS AN INTERMEDIATE LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BLS CARE, PLUS INTRAVENOUS CANNULATION AND FLUID THERAPY, INVASIVE AIRWAY MANAGEMENT, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE-THREATENING CONDITIONS, UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT APPROVED EMS SYSTEM. (Section 4.19 of the Act).

"INTERMEDIATE LIFE SUPPORT SERVICES" MEANS A HOSPITAL PROVIDING, WITH THE APPROVAL OF THE DEPARTMENT (See Subpart D of this Part), PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF INTERMEDIATE LIFE SUPPORT MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES, UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.20 of the Act).

"Mobile Radio" means a two-way radio installed in an EMS vehicle which may not be readily removed.

"Off-Road Specialized Emergency Medical Services Vehicle" or "Off-Road SEMSV" or "Off-Road SEMS Vehicle" means a motorized cart, golf cart, ATV (all-terrain-vehicle), or amphibious vehicle which is not intended for use on public roads.

"Participating Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which may or may not have monitoring capabilities and which receives patients transported by System EMS vehicles under the direction of the Project Medical Director or PMD designee. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Physician" means any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, pars. 4400-1 et seq.).

"Pilot" or "EMS Pilot" means a pilot certified by the Federal

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Aviation Administration who has been approved by a SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program (See Section 535.931 of this Part).

"Portable Radio" means a hand-held radio which accompanies the user during the conduct of emergency medical services.

"PRE-HOSPITAL CARE" MEANS THOSE EMERGENCY MEDICAL SERVICES RENDERED TO EMERGENCY PATIENTS FOR ANALYTIC, RESUSCITATIVE, STABILIZING, OR PREVENTIVE PURPOSES, PRECEDENT TO AND DURING TRANSPORTATION OF SUCH PATIENTS TO HOSPITALS. (Section 4.16 of the Act).

"Pre-Hospital Care Provider or System Participant" means an EMT-A, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital, EMS Coordinator, Associate Hospital EMS Medical Director, Field RN, MICN or Physician serving on an ambulance or giving voice orders over an EMS System and is subject to suspension by the Project Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

"Project Director" means the administrator, appointed by the Resource Hospital with the approval of the Project Medical Director, responsible for the administration of the EMS System.

"Project Medical Director" or "PMD" means the physician appointed by the Resource Hospital who has the responsibility and authority for total management of the EMS System. (See Sections 535.210(h) and 535.230(a) of this Part).

"Registered Nurse" or "Registered Professional Nurse" or "RN" means a person who is licensed as a professional nurse under The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 ch. 111, pars. 3501 et seq.).

"REGISTERED PROFESSIONAL NURSE/FIELD RN" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT OF 1987", AS AMENDED, (Ill. Rev. Stat. 1989, ch. 111, pars. 3501 et seq.), WHO HAS BEEN APPROVED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT-APPROVED EMS SYSTEM, AND WHO HAS SATISFACTORILY COMPLETED ADDITIONAL SUPPLEMENTARY TRAINING INCLUDING BUT NOT LIMITED TO COURSES IN EXTRICATION, TELEMETRY AND COMMUNICATIONS, ADVANCED CARDIAC LIFE SUPPORT, INCLUDING DEFIBRILLATION AND INTUBATION OR ITS EQUIVALENT, AND EITHER TRAUMA NURSE SPECIALIST OR NURSE TRAUMA LIFE SUPPORT OR THEIR EQUIVALENTS AS APPROVED BY THE PROJECT MEDICAL DIRECTOR (Section 4.21 of the Act).

"REGISTERED PROFESSIONAL NURSE/MICN" OR "Mobile Intensive Care Nurse" = ?1B ? *-GBA=* NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT OF

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1987," AS AMENDED, (Ill. Rev. Stat. 1989, ch. 111, pars. 3501 et seq.), WHO HAS SATISFACTORILY COMPLETED THE MOBILE INTENSIVE CARE NURSE COURSE, INCLUDING TRAINING IN TELEMETRY AND COMMUNICATION, ADVANCE CARDIAC LIFE SUPPORT, AND A PRE-HOSPITAL TRAUMA SUPPORT COURSE OR ITS EQUIVALENT, AS APPROVED BY THE DEPARTMENT. (Section 4.21(a) of the Act).

"Resource Hospital" means the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan (See Subpart D of this Part). The Resource Hospital, through the Project Medical Director, assumes responsibility for the entire program including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"SEMSV Medical Control Point" or "Medical Control Point" means the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

"SEMSV Medical Director" or "Medical Director" means the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part (See Section 535.920(e) of this Part).

"SEMSV Program" or "Specialized Emergency Medical Services Vehicle Program" means a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

"SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE" OR "SEMSV" MEANS A VEHICLE OR CONVEYANCE, OTHER THAN THOSE OWNED OR OPERATED BY THE FEDERAL GOVERNMENT, THAT IS PRIMARILY INTENDED FOR USE IN TRANSPORTING THE SICK OR INJURED BY MEANS OF AIR, WATER, OR GROUND TRANSPORTATION, THAT IS NOT AN AMBULANCE AS DEFINED IN THE ACT. THE TERM INCLUDES WATERCRAFT, AIRCRAFT AND SPECIAL PURPOSE GROUND TRANSPORT VEHICLES NOT INTENDED FOR USE ON PUBLIC ROADS (Section 4.30 of the Act). "Primarily intended", for the purposes of this definition, means one or more of the following:

Over fifty (50) percent (%) of the vehicle's operational (e.g. in-flight) hours are devoted to the emergency transportation of the sick or injured,

The vehicle is owned or leased by a hospital or ambulance

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provider and is utilized for the emergency transportation of the sick or injured,

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured,

The vehicle is owned, registered or licensed in another State and is utilized on a regular basis to pick up and transport the sick or injured within or from within this State, or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

"STATE EMERGENCY MEDICAL SERVICES DISCIPLINARY REVIEW BOARD" MEANS A FIVE-MEMBER BOARD APPOINTED BY THE GOVERNOR TO REVIEW AND AFFIRM, REVERSE OR MODIFY THE DECISION OF A LOCAL SYSTEM REVIEW BOARD TO AFFIRM OR REVERSE A PROJECT MEDICAL DIRECTOR'S ORDER TO SUSPEND AN INDIVIDUAL OR INDIVIDUAL PROVIDER FROM PARTICIPATION WITHIN AN EMS SYSTEM (Section 10.2 of the Act) (See Sections 535.265 and 535.270 of this Part).

"System Participation Suspension" means the suspension from participation within an EMS system of an individual or individual provider, as specifically ordered by that System's Project Medical Director.

"System Review Board" or "Board" means a panel of individuals assembled within an EMS System for the purpose of reviewing a decision by the Project Medical Director to suspend from participation an individual or individual provider participating within that System. The Board shall consist of four (4) voting members and a chairperson who shall vote only in the event of a tie. The Project Medical Director shall appoint as two (2) standing members of the Board, the System Project Director or designee and an emergency room physician from within the System who is not the Project Medical Director. The remaining two (2) voting members and chairperson shall be selected by the suspended participant from a list provided by the Project Medical Director. That list shall consist of the names of six (6) providers from within the System who are in the same provider category and level as the suspended participant. If the suspended participant is a provider in a category or level which consists of less than six (6) providers, the suspended participant may choose the two (2) voting members and chairperson from any of the System's provider lists.

"Telecommunications Equipment" means a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

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"Telemetry" means the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

"Unit Identifier" is a number assigned by the Department for each ENS vehicle in the State to be used in radio communications.

"Watercraft" means a nautical vessel, boat, aircraft, hovercraft or other vehicle that operates in, on or across water.

"911" means an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical ambulance and rescue.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 535.20 Incorporated Materials

The following regulations, standards and statutes are incorporated or referenced in this Part.

- a) Federal guidelines, statutes and regulations:
 - 1) U.S. Code 42, The Public Health and Welfare, 42 USC 300 L-1(a). (See Section 535.100).
 - 2) United States General Services Administration's, Federal Specification for Ambulance, KKK-A-1822C (1985), which may be obtained from General Services Administration, Specifications Section, Room 6654, 7th and D Streets, S.W., Washington, D.C. 20407. (See Section 535.150).
 - 3) United States Department of Transportation, Emergency Medical Technician - Ambulance: National Standard Curriculum (1984), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (See Sections 535.215(a); 535.300(c) and (h); 535.310(a); 535.335(b); 535.400(c) and (h); 535.410(a); 535.420(a) and (b); 535.500(c) and (e); 535.510(a) and (d) and 535.530(d).)
 - 4) United States Department of Transportation, Emergency Medical Technician - Intermediate: National Standard Curriculum (1985), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (See Sections 535.215(a); 535.400 (c) and (d); 535.410 (a); 535.420 (a) and (b); 535.430(b); 535.432(b).)
 - 5) United States Department of Transportation, Emergency Medical

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Technician - Paramedic: National Standard Curriculum (1985), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (See Sections 535.215(a); 535.500 (c) and (e); 535.510 (a) and (d); 535.530 (c); 535.532(b); 535.810(b) and (c); 535.850(a) and (b)).

- 6) 47 CFR 90 (1988) (Section 535.60(a))
- 7) Air Taxi Operations and Commercial Operators (14 CFR 135, 1988, Subparts A, Sections 135.1 through 135.43, B, Sections 135.61 through 135.125, C, Sections 135.141 through 135.185, D, Sections 135.201 through 135.229, E, Sections 135.241 through 135.247, F, Sections 135.261, J, Sections 135.411 through 135.443.)
- b) State of Illinois Statutes:
 - 1) "AN ACT requiring hospitals to render hospital emergency services in case of injury or acute medical condition and implement emergency hospital, medical and surgical services on a community or areawide basis" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 86 et seq.). (See Section 535.10).
 - 2) Hospital Licensing Act, (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.). (See Section 535.10).
 - 3) Medical Practice Act of 1987, (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.). (See Section 535.10).
 - 4) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.). (See Section 535.10).
 - 5) Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 8-2101 et seq.). (See Section 535.700(g)).
- c) State of Illinois Regulations
 - 1) Rules of Practice and Procedure in ~~for~~ Administrative Hearings (77 Ill. Adm. Code 100). (See Sections 535.140(d) and 535.250(g)).
 - 2) Hospital Licensing Requirements (77 Ill. Adm. Code 250). (See Sections 535.10, 535.200(d) and 535.210(e)).
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 535.210 EMS System Program Plan

An Emergency Medical Services (EMS) System Program Plan shall contain the following information:

- a) The name and address of the Resource Hospital;
- b) The names and resumes of the following persons:
 - 1) The Project Medical Director,
 - 2) The Project Director,
 - 3) The EMS System Coordinator.
- c) The names and addresses of each Associate or Participating Hospital;
- d) The names and addresses of each ambulance provider participating within the EMS System;
- e) A letter from the appropriate AHES committee which contains the following:
 - 1) A statement that the Resource Hospital meets the requirements of a basic or comprehensive emergency facility (See "Basic" and "Comprehensive" emergency services as defined in Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250));
 - 2) A brief description of the AHES area including categorization scheme, a specialty availability and critical care referral patterns, and
 - 3) A statement that the proposed EMS System Program Plan has been reviewed and approved.
- f) A map of the EMS System's service area indicating the locations of all hospitals and ambulance providers participating in the System;
- g) Letters of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes such as emergency department staffing and educational requirements:
 - 1) The Chief Executive Officer of the hospital;

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- 2) The Chief of the Medical Staff, and
- 3) The Director of the Nursing Services.

h) A letter of commitment from the Project Medical Director which describes the PMD's agreement to:

- 1) Be responsible for the ongoing education of all System personnel including coordinating didactic and clinical experience;
 - 2) Develop written standing orders (treatment protocols, standard operating procedures) to be used in the PMD's absence and certify that all involved personnel will be knowledgeable in emergency care and capable of providing treatment and using communications equipment once the program is operational;
 - 3) Provide the name and resume of the Alternate Project Medical Director;
 - 4) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;
 - 5) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;
 - 6) Ensure that the Department has access to all records, equipment and vehicles under the authority of the PMD, during any Department inspection, investigation or site survey;
 - 7) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;
 - 8) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;
 - 9) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every EMT-I or EMT-P within the System who has NOT been recommended for recertification by the Project Medical Director; and
 - 10) Be responsible for compliance with the provisions of Sections 535.260 and 535.265 of this Part.
- i) A description of the method(s) of providing EMS services which includes the protocols for:

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- 1) single vehicle response and transport;
- 2) dual vehicle response;
- 3) level of first response vehicle;
- 4) level of transport vehicle;
- 5) use of mutual aid agreements; and
- 6) informing the caller requesting an emergency vehicle of the estimated time of arrival when the vehicle response is estimated to be longer than six minutes.

j) A letter of commitment from each Associate or Participating Hospital within the System which includes the following:

- 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
- 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its utilization of the education and continuing education aspects of the program;
- 3) A commitment to meet the System's educational standards for MICNs and Field RNs;
- 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System;
- 5) An agreement to utilize the standard treatment orders as established by the Resource Hospital;
- 6) An agreement to follow the operational policies and protocols of the System;
- 7) An agreement to participate in the training and continuing education of pre-hospital personnel;
- 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
- 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;

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- 10) The names and resumes of the Associate Hospital EMS Medical Director and Associate Hospital EMS Coordinator;
- 11) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey, and
- 12) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized.

k) A letter of commitment from each ambulance provider participating within the System which includes the following:

- 1) For each EMS vehicle participating within the System:
 - A) The year, model, make, and vehicle identification number;
 - B) The license plate number;
 - C) The Department license number, unless exempt from Department licensure (See Section 9 of the Act);
 - D) The base location address, and
 - E) The level of service (advanced, intermediate or basic).
- 2) A description of its role in providing advanced life support, intermediate life support, basic life support and patient transport services with the System;
- 3) Definitions of the primary, secondary and outlying areas of response for each EMS vehicle used within the System;
- 4) A map or maps indicating the base locations of each EMS vehicle, the primary, secondary and outlying areas of response for each EMS vehicle, the population base of each service area and the square mileage of each service area;
- 5) A commitment to optimum responses times of 4-6 minutes in primary coverage areas, 10-15 minutes in secondary coverage areas, and 15-20 minutes in outlying coverage areas;
- 6) A commitment to twenty-four (24) hour coverage;
- 7) A commitment that within one (1) year after Department approval of the EMS System, each ambulance at the scene of an emergency and during transport of emergency patients to and between hospitals will be staffed in accordance with the requirements of Section 535.150 (f)(1) and (2);

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- 8) Copies of written mutual aid agreements with other providers and/or a description of the provider's own back-up system, which detail how adequate coverage will be ensured when an EMS vehicle is responding to a call and a simultaneous call is received for service within that vehicle's coverage area;
- 9) A statement that emergency services which an EMS vehicle is authorized to provide shall not be denied on the basis of the patient's inability to pay for such services;
- 10) An agreement to file an appropriate EMS run sheet or form for each emergency call, as required by the System;
- 11) An agreement to maintain the equipment required by Section 535.150 and by the System, in working order at all times, and to carry the medication as required by the System;
- 12) An agreement to notify the Project Medical Director of any changes in personnel providing pre-hospital care in the System in accordance with the policies in the System Manual;
- 13) A copy of its current FCC license(s);
- 14) A description of the mechanism and specific procedures used to access and dispatch the EMS vehicles within their respective service areas;
- 15) A list of all personnel providing pre-hospital care, their certification numbers, expiration dates and levels of certification (EMT-A, EMT-I, EMT-P), their Field RN or MD status;
- 16) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
- 17) An agreement to allow the Project Medical Director or designee access to all records, equipment and vehicles relating to the System during any inspection or investigation by the PMD or designee to determine compliance with the System Program Plan;
- 18) Documentation that its communications capabilities meet the requirements of Section 535.50 of this Part;
- 19) Documentation that each EMS vehicle participating in the System complies with the vehicle design, equipment and extrication criteria as provided in Section 535.150(a)(1) and (b) of this Part, and

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- 20) An agreement to follow the approved EMS policies and protocols of the System.
- 1) Descriptions and documentation of each communications requirement provided in Section 535.60 of this Part;
- m) A System Manual, the format of which shall be System specific as to organization, which shall contain but not be limited to items (1) through (11) in the following subparagraphs; and which except for training program examinations and quizzes, student and instructor evaluations, and any examinations used to test or monitor System participants' proficiency, shall be available to all System participants. The entire Manual shall be available to any agency authorized to evaluate, survey or accredit the program.
- 1) The Project Medical Director's written standing orders (treatment protocols, Standard Operating Procedures) to be used in the PMD's absence, including the circumstances under which the MICN will call the PMD or a designated physician to the operational control point, and what the nurse's limitations are;
- 2) A list of all equipment and drugs required for EMS vehicles;
- 3) The System's program and requirements for the training and continuing education of EMTs, Field RNs and MICNs including but not limited to:
 - A) Curriculum (EMT training programs shall be taught in accordance with the United States Department of Transportation (DOT) Emergency Medical Technician National Standard Curriculum, 1984);
 - B) Teaching schedules;
 - C) Training program examinations, including the formats to be used (i.e., essay, multiple-choice, classroom or take-home quizzes, practical examinations);
 - D) Clinical experiences;
 - E) Training program entrance and successful completion requirements;
 - F) Training program student and instructor evaluations;
 - G) Clinical and didactic recertification requirements, including a requirement that each EMT's continuing education records shall be kept on file at the Resource

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H) Hospital, and that copies shall be provided to the EMTs, and System examinations, if any, used to test and monitor an EMT's continued proficiency to render the level of care for which the EMT is certified.

4) Communications standards and protocols including:

A) The information contained in the System Program Plan relating to the requirements of Sections 535.60(a)(1), (2), (3) and (4), 535.60(b) and 535.60(g);

B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital, and

C) Protocols ensuring that voice orders via radio and using telemetry shall be given by or under the direction of the Project Medical Director or the PMD's designee, who shall be either an MCN, a Field RN or a physician.

5) Quality assurance measures for patient care, ambulance operation and System training activities, including but not limited to monitoring training activities to ensure that the instruction and materials are consistent with United States Department of Transportation training standards for EMTs and Section 4 and 13 of the Act, unannounced inspections of pre-hospital services, and internal provider self-assessments.

6) Data collection and evaluation methods which include:

A) The mechanism for collecting data from hospitals and pre-hospital providers;

B) A copy of the pre-hospital reporting form;

C) The method employed to evaluate data and to notify and correct patient care or reporting discrepancies;

D) A sample of the information and data to be reported to the Department summarizing System activity, and

E) The System's procedure for ensuring the confidentiality of patient names and patient identifying information;

7) Operational policies which delineate the respective roles and

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responsibilities of all providers in the System regarding the provision of emergency services, including:

A) Abuse of controlled substances by System personnel;

B) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);

C) Infectious disease and disinfection procedures, and

D) Reporting and documentation of problems.

8) Medical-Legal policies addressing:

A) A patient's right of refusal;

B) Transport to closest hospital/bypass;

C) Patient hospital preference;

D) Minor patient/guardian consent;

E) Patient abandonment;

F) Coroner policy;

G) Emotionally disturbed patients;

H) Do not resuscitate situations;

I) Patient confidentiality/release of information;

J) Interaction with law enforcement/evidence;

K) Reporting of suspected crimes (i.e., child abuse); and

L) Physician on the scene.

9) Any procedures regarding disciplinary/suspension decisions and the review of those decisions which the System has elected to follow in addition to those required by the Act,

10) The responsibilities of the EMS Coordinator(s), as designated by the Project Medical Director, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required, and

11) The responsibilities of the Project Director.

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n) If the Resource Hospital for a proposed EMS System is currently participating in an existing System, the following additional information must be provided:

- 1) A clear description of its current role and status within the existing System;
- 2) Its rationale for separating from the existing System and developing its own program;
- 3) A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System which it proposes to leave;
- 4) A statement detailing the effect which the proposed change will have on the area's pre-hospital services and patient referral patterns;
- 5) A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System;
- 6) A statement detailing the effect which the proposed System will have on the current radio communications systems utilized in the area;
- 7) A detailed description of its communications system design, including the expected delivery dates for equipment which has been purchased, leased or ordered, and
- 8) If the proposed System intends to use, borrow or lease any communications equipment or facilities from an existing System, a copy of a specific contract or agreement authorizing such arrangement shall be attached.

o) WRITTEN PROTOCOLS FOR THE TRANSPORT OF PERSONS BY AMBULANCE OR SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE TO A HOSPITAL OTHER THAN THE NEAREST HOSPITAL. THE PROTOCOLS SHALL PROVIDE THAT A PERSON SHALL NOT BE TRANSPORTED TO A HOSPITAL OTHER THAN THE NEAREST HOSPITAL UNLESS THE PROTECT MEDICAL DIRECTOR OR HIS QUALIFIED DESIGNEE HAS CERTIFIED THAT, BASED UPON THE REASONABLE RISKS AND BENEFITS TO THE PATIENT, AND BASED UPON THE INFORMATION AVAILABLE AT THE TIME, THE MEDICAL BENEFITS REASONABLY EXPECTED FROM THE PROVISION OF APPROPRIATE MEDICAL TREATMENT AT A MORE DISTANT HOSPITAL OUTWEIGH THE INCREASED RISKS TO THE PATIENT FROM TRANSPORT TO THE MORE DISTANT HOSPITAL AND THE MORE DISTANT HOSPITAL HAS AVAILABLE SPACE AND QUALIFIED PERSONNEL FOR THE TREATMENT OF THE PATIENT. THE SYSTEM'S PROTOCOLS MAY INCLUDE AN ACCOMMODATION FOR THE PATIENT'S CHOICE OF

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HOSPITAL OTHER THAN THE NEAREST HOSPITAL IF THE TRANSPORT TO THE MORE DISTANT HOSPITAL IS NOT EXPECTED TO INCREASE THE RISK TO THE PATIENT AS DETERMINED BY THE PROTECT MEDICAL DIRECTOR OR QUALIFIED DESIGNEE. (Section 10 (c) of the Act) For the purposes of this subsection, "qualified personnel" means personnel qualified to treat the patient based upon the type of patient being transported and the credentialing of the physician.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 535.217 Do Not Resuscitate (DNR) Policy

- a) A System shall implement a DNR policy for use by System personnel only after the policy has been reviewed and approved by the Department, in accordance with the requirements of this Section.
- b) The policy shall include specific procedures and protocols for cardiac arrest/DNR situations arising in long-term care facilities, with hospice patients, and with patients who arrest during interhospital transfers or transportations to or from home.
- c) The policy shall include specific procedures and protocols for withholding CPR in situations where explicit signs of biological death are present (e.g. decapitation, rigor mortis without profound hypothermia, profound dependent lividity, etc.).
- d) For situations not covered by subsection (c) of this Section, the policy shall require that resuscitative procedures must be followed unless a valid DNR Order is present.
- e) A valid DNR Order shall consist of one of the following written documents which has not been revoked:
 - 1) A form prepared and distributed by the Department for use by physicians in long-term care facilities, hospitals or hospice programs, on which all required information and signatures have been entered; or
 - 2) A form prepared and distributed by the Department for general use by physicians (See Appendix A of this Part), on which all required information and signatures have been entered; or
 - 3) A document which contains all of the information and signatures required by the Appendix A form, along with the letterhead of the physician or health care facility.
- f) Revocation of a written DNR Order shall be made only in one or more of the following ways:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) The Order is physically destroyed or verbally rescinded by the physician who signed the order, who must be physically present at the scene; or
- 2) The Order is physically destroyed or verbally rescinded by the person who gave written informed consent to the Order (the patient or the patient's surrogate). If consent had been made by a surrogate, the surrogate must be physically present in order to revoke the Order, and System personnel must be able to confirm the surrogate's identity. If consent had been made by the patient, the patient must be medically competent in order to revoke the Order.

g) A valid DNR Order shall be considered effective for seven (7) days after the date of issuance if the patient was hospitalized at the time the Order was made, and for sixty (60) days in all other situations.

h) A System's DNR policy shall require System personnel to verify the identity of the patient named in a valid DNR Order.

i) The policy shall describe the procedures to be withheld and performed in response to a valid DNR Order, including a definition of "do not resuscitate".

j) The policy shall describe the roles of the on-line medical control physician and mobile intensive care nurse (MICN) in DNR situations.

k) The policy shall state which System ambulance personnel are authorized to respond to a valid DNR Order (EMT-P, EMT-I, EMT-A, Field R.N.), and describe any differences in procedures for a specific category of personnel.

l) The policy shall cross-reference the System's coroner notification policy.

m) The policy shall describe the System's program for educating System personnel concerning the policy and the DNR forms.

n) The policy shall identify the quality assurance measures specific to this policy including the methods and periods of review, and the submission of a yearly report to the Department indicating issues or problems which have been identified and the System's responses to those issues or problems.

o) Upon Department approval of its DNR policy, the System shall distribute copies of the Appendix A form to all long-term care facilities, hospitals and hospice programs within the System, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

shall make copies available to any physicians who request them.

(Source: Added at 15 Ill. Reg. _____, effective _____)

SUBPART N: VIOLATIONS AND PENALTIES

Section 535.1000 Violations and Penalties

a) THE DIRECTOR SHALL INVESTIGATE COMPLAINTS THAT A FACILITY, PRE-HOSPITAL CARE PROVIDER, OR SYSTEM PARTICIPANT HAS VIOLATED ANY PROVISION OF THE ACT OR THIS PART. THE DIRECTOR, AFTER NOTICE AND OPPORTUNITY FOR HEARING (in accordance with 77 Ill. Adm. Code 100 - Rules of Practice and Procedure for Administrative Hearings) TO A FACILITY, PRE-HOSPITAL CARE PROVIDER, OR SYSTEM PARTICIPANT, MAY ISSUE TO THE FACILITY, PRE-HOSPITAL CARE PROVIDER, OR SYSTEM PARTICIPANT AN ADMINISTRATIVE WARNING THAT THE ACT OR THIS PART HAS BEEN VIOLATED. (Section 25(c) of the Act)

b) IN ADDITION, IF THE DIRECTOR DETERMINES, based upon factors including but not limited to the medical assessment of the patient, repeated violations of the same provision of the Act or this Part, and whether the violation is statutory in nature, THAT THE VIOLATION CREATES OR CREATED A CONDITION OR OCCURRENCE PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM TO AN INDIVIDUAL WILL RESULT THEREFROM, THE DIRECTOR SHALL IMPOSE A FINE OF \$10,000. (Section 25(c) of the Act)

c) IF THE DIRECTOR DETERMINES, based upon factors including but not limited to the medical assessment of the patient, repeated violations of the same provision of the Act or this Part, and whether the violation is statutory in nature, THAT THE VIOLATION CREATES OR CREATED A CONDITION OR OCCURRENCE WHICH THREATENS THE HEALTH, SAFETY OR WELFARE OF AN INDIVIDUAL, THE DIRECTOR SHALL IMPOSE A FINE OF \$5,000. (Section 25(c) of the Act)

d) FOR PURPOSES OF THIS SECTION, "FACILITY" MEANS A TRAUMA CENTER, RESOURCE HOSPITAL, ASSOCIATE HOSPITAL, PARTICIPATING HOSPITAL, OR ANOTHER HOSPITAL. "PRE-HOSPITAL CARE PROVIDER" SHALL HAVE THE MEANING ASCRIBED TO THAT TERM IN SECTION 535.10, EXCEPT THAT SUCH DEFINITION SHALL NOT INCLUDE INDIVIDUALS WHO ARE OR MAY BE CERTIFIED OR LICENSED UNDER SECTION 10 OF THE ACT. (Section 25(c) of the Act)

(Source: Added at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS
Section 535. Appendix A DO NOT RESUSCITATE (DNR) ORDER

(Patient's full legal name) has been diagnosed as having a terminal medical illness. I have discussed both the prognosis of this illness and the treatment options with the patient or the patient's surrogate, who has requested that in the event of a cardiac or cardiopulmonary arrest, no resuscitation be undertaken.

effective date _____ attending physician's signature _____
expiration date _____ facility (if applicable) _____

CONSENT (check one):

☐ patient _____ patient's signature _____
☐ living will _____ attending physician's signature _____
☐ surrogate _____ signature of agent _____
☐ power of attorney for health care _____ signature of guardian _____
☐ legal guardian _____
☐ other (specify relationship to patient and reason for surrogacy): _____ signature of surrogate _____

signature of witness to patient or surrogate consent _____

(Source: Added at 15 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Supertrifecta Rules
- 2) Code Citation: 11 Ill. Adm. Code 421
- 3) Section Numbers Proposed Action
421.80 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This rulemaking corrects a typographical error in Section 421.80.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.
- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 16, 1991

B) Types of small business affected: None.

C) Reporting, bookkeeping or other procedures required for compliance: N/A

D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 421

SUPERTRIFECTA RULES

Section

421.10 Superfecta Wager
421.20 Trifecta Rules Shall Apply
421.30 Pool Calculations
421.40 Distribution of Daily Net Pool
421.50 Carryover Pool
421.60 Minimum Field
421.70 Scratches
421.80 Cancellation of Races
421.90 Dead Heats
421.100 Exchange Method

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 14 Ill. Reg. 14982, effective September 4, 1990; amended at 15 Ill. Reg. 5752, effective April 4, 1991; amended at 15 Ill. Reg. _____, effective _____.

Section 421.80 Cancellation of Races

In the event that racing is cancelled for any reason prior to the running of the ~~first~~ second Superfecta race, one hundred per cent (100%) of the daily net pool shall be distributed to holders of tickets correctly selecting the first three finishers of the first Superfecta race. The carry over pool shall remain undistributed and shall be added to the next Superfecta.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Twin Trifecta Exchange
- 2) Code Citation: 11 Ill. Adm. Code 440
- 3) Section Numbers

440.20	Amendment
440.90	Amendment
440.130	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: Section 440.20 states that only facilities licensed by the Board and only by ticket issuing machines approved by the Board. Section 440.90 allows for a re-exchange of tickets if a late scratch occurs. Section 440.130 specifically outlines the distribution of the pool in the event races are cancelled or wagering becomes unavailable at individual sites.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 16, 1991
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: N/A
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 440

TWIN TRIFECTA EXCHANGE

Section

440.10	Twin Trifecta Exchange Wager
440.20	Sale and Exchange of TTE Tickets
440.30	Transfer of Tickets Prohibited
440.40	Pool Calculations
440.50	Distribution of Divided Pool
440.60	Failure to Select
440.70	"Exchange" Tickets
440.80	Trifecta Rules Shall Apply
440.90	Scratches
440.100	Dead Heats
440.110	No Winning Combinations
440.120	Jackpot Pool
440.130	Races Cancelled
440.140	Rules Displayed
440.150	Minimum Price

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 15 Ill. Reg. 3492, effective February 21, 1991; Amended at 15 Ill. Reg. _____, effective _____.

Section 440.20 Sale and Exchange of TTE Tickets

TTE tickets shall be sold and exchanged only from the organization licensed to ticket-issuing machines // sale of TTE tickets other than from the organization licensed to ticket-issuing machines // or from one individual to another shall be deemed illegal and prohibited.

TTE tickets shall be sold and exchanged only from Board licensed facilities and Board approved ticket-issuing machines. Sale of TTE tickets by any other facility or person shall be deemed illegal and prohibited.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 440.90 Scratches

If a horse is scratched from the first race of the TTE, all tickets which designate the scratched horse shall be refunded.

- a) *If a horse is scratched from the first race of the TTE, all tickets which designate the scratched horse shall be refunded.*
- b) *If a horse is scratched from the second race of the TTE, all bettors who hold tickets which designate the scratched horse shall be afforded the opportunity to re-exchange said tickets.*
- 1) *If tickets which reflect a scratched horse in the second race are not re-exchanged, holders of those tickets shall not be entitled to any part of the divided pool.*

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 440.130 Races Cancelled

In the event the second TTE race is cancelled for any reason the entire net pool for that day shall be distributed to holders of tickets correctly selecting the first TTE race and any carryover pool shall remain undistributed and added to the pool for the next program.

- a) *In the event the second TTE race is cancelled for any reason the entire net pool for that day shall be distributed to holders of tickets correctly selecting the first TTE race and any carryover pool shall remain undistributed and added to the pool for the next program.*
- b) *In the event wagering is unavailable on the second TTE at any facility which accepted wagers on the first TTE, the holder of tickets at that facility who correctly designate the first TTE shall be awarded the monetary value of the first TTE ticket but will not be afforded the opportunity to exchange the ticket.*

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Client Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code: 680
- 3) Section Numbers: Proposed Action:
680.300 Amendment
- 4) Statutory Authority: Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).
- 5) A Complete Description of the Subjects and Issues involved: Section 680.300 is amended to give current HSP clients the option of applying for Medicaid benefits.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
___ Yes ___ X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendment(s) begins on the next page:

ILLINOIS REGISTER 8158
91 91
DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 680
CLIENT RESPONSIBILITIES

Section
680.100 Eligibility Determination
680.200 Reporting Changes of Circumstances
680.300 Other Client Responsibilities

AUTHORITY: Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8862, effective July 18, 1983; amended at 15 Ill. Reg. _____, effective _____.

Section 680.300 Other Client Responsibilities

- a) Clients must cooperate with Department projects conducted for the purpose of obtaining or validating general program information or operations, where such projects are not related to client-specific eligibility.
- b) Clients are required to provide a mailing address, telephone number (if they have one), and sufficient information to enable local office staff to locate the client including directions to the client's home, if necessary. The client will also provide the name, address and phone number of an individual who will know the whereabouts of the client and/or through whom the client can be located.
- c) Clients are required to apply for all other financial or service benefits for which they may qualify insofar as these benefits may affect HSP financial eligibility, client cost share amount, or cost of service to DORS, with the exception of benefits in subsection (d) below. or-Medicaid-eligibility-
Clients are further to avail themselves of such benefits at the earliest possible date and may request local office staff to assist in the process of seeking such benefits. The-only-exception-occurs-in
relation-to-application-for-SSI-benefits---if-an individual-is-eligible-for-more-than-one

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

~~federally-aided-or-federally-administered-assistance program; such as SSI and Aid to Families with Dependent Children (AFDC); the individual must have free choice between these assistance programs.~~

d) Clients may choose to apply for Medicaid, pursuant to 89 Ill. Adm. Code 685.150.

de) Clients are required to avail themselves of all potential resources, including claiming the maximum number of allowable exemptions from State and Federal income tax returns.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Financial Eligibility Criteria
- 2) Code Citation: 89 Ill. Adm. Code 687
- 3) Section Numbers: 687.10 Proposed Action: Amendment
- 4) Statutory Authority: Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).
- 5) A Complete Description of the Subjects and Issues involved: Section 687.10 is amended to clarify that Medicaid benefit applicants pursuant to 89 Ill. Adm. Code 685.150 are exempt from Part 687 rules.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Section Numbers Proposed Action Illinois Register Citation
Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 687

FINANCIAL ELIGIBILITY CRITERIA

Section	Applicability
687.10	Income
687.100	Assets
687.200	

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8877, effective July 18, 1983; amended at 11 Ill. Reg. 7404, effective April 1, 1987, amended at 11 Ill. Reg. 7743, effective April 1, 1987 amended at 11 Ill. Reg. 11807, effective July 1, 1987; amended at 11 Ill. Reg. _____, effective _____.

Section 687.10 Applicability

Beneficiaries of Medicaid (see 89 Ill. Adm. Code 120) and persons applying for Medicaid pursuant to 89 Ill. Adm. Code 685.150, and beneficiaries of the federal Supplemental Security Income Program are exempt from the rules contained within this Part.

(Source: Amended at 15 Ill. Reg. _____, effective _____).

- 1) Heading of the Part: Non-Financial Eligibility Criteria
- 2) Code Citation: 89 Ill. Adm. Code 685
- 3) Section Numbers: 685.150
Proposed Action: New Section
- 4) Statutory Authority: Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).
- 5) A Complete Description of the Subjects and Issues involved: A new section is being added to require applicants for Home Services to apply for Medicaid benefits and verify proof of such application prior to receiving Home Services.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTTITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 685
NON-FINANCIAL ELIGIBILITY CRITERIA

Section	
685.10	Application of Non-Financial Requirements
685.100	Citizenship
685.150	Application for Medicaid
685.200	Residence
685.300	Age
685.400	Disability
685.500	Need for Long-Term Care
685.600	Service Cost Maximum
APPENDIX A	Institutional Cost Tables

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8898, effective July 18, 1983; amended at 8 Ill. Reg. 15967, effective August 31, 1984; amended at 9 Ill. Reg. 9167, effective June 4, 1985; amended at 13 Ill. Reg. 5158, effective March 31, 1989; amended at 13 Ill. Reg. 18929, effective November 16, 1989; amended at 15 Ill. Reg. _____, effective _____.

685.150 Application for Medicaid

- a) All applicants for HSP must apply for Medicaid benefits in order to be eligible to receive services. However, a person does not have to meet the Medicaid spend-down provisions to be eligible for HSP services.
- b) Within 60 calendar days after date of HSP application, the applicant must provide verification of application for Medicaid in one of the following ways:
 - 1) if an applicant has already been found to be Medicaid eligible, by providing the counselor with the Medicaid case number; or
 - 2) by providing the counselor with a copy of the "Instructions to Clients" form from the Illinois Department of Public Aid (DPA:267).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- c) Planned services shall only begin after all criteria for eligibility are met, including verification of application for Medicaid, pursuant to subsection (b) above.

(Source: Added at 15 Ill. Reg. _____, effective _____)

- 1) Heading of Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers:
130.1951
Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 440d, as amended by P.A. 86-1456.
- 5) A Complete Description of the Subjects and Issues Involved:
P.A. 86-1456 amended Section 1d of the Retailers' Occupation Tax Act to allow an exemption from the tax for tangible personal property purchased for use or consumption within an enterprise zone in the process of graphic arts production. This rulemaking amends Section 130.1951 of the Department's rules to incorporate this amendment.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?
No
- 9) Are there any other amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
130.901	Amendment	15 Ill. Reg. 5021
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 14, 1991
- B) Types of small businesses affected: Any small business involved in graphic arts production located in an enterprise zone.
- C) Reporting, bookkeeping or other procedures required for compliance: Compliance with reporting requirements imposed by DCCA to obtain certified business status prior to eligibility for the exemption will be required. This rulemaking will impose no new or modified reporting, bookkeeping or other procedures.
- D) Types of professional skills necessary for compliance: Basic bookkeeping and accounting skills.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Nontaxable Transactions
130.120	

SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
130.215	Sales to Lessors of Tangible Personal Property
130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	Farm Machinery and Equipment
130.305	Food, Drugs, Medicines and Medical Appliances
130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.315	Gasohol
130.320	Fuel Used by Air Common Carriers in International Flights
130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Pollution Control Facilities
130.335	Rolling Stock
130.340	Oil Field Exploration, Drilling and Production Equipment
130.345	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.350	

SUBPART D: GROSS RECEIPTS

Section	Meaning of Gross Receipts
130.401	How to Avoid Paying Tax on State Tax Passed on to the Purchaser
130.405	Cost of Doing Business Not Deductible
130.410	Transportation and Delivery Charges
130.415	Finance or Interest Charges--Penalties--Discounts
130.420	Traded-In Property
130.425	Deposit or Prepayment on Purchase Price
130.430	

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges

SUBPART E: RETURNS

Section	Monthly Tax Returns--When Due--Contents
130.501	Quarterly Tax Returns
130.502	Returns and How to Prepare
130.505	Annual Tax Returns
130.510	First Return
130.515	Final Returns When Business is Discontinued
130.520	Who May Sign Returns
130.525	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.530	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.535	Returns on a Transaction by Transaction Basis
130.540	Registrants Must File a Return for Every Return Period
130.545	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.550	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.551	Vending Machine Information Returns
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Addition Agents to Plating Baths
Agricultural Producers
Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
Stamps and Like Articles
Auctioneers and Agents
Barbers and Beauty Shop Operators
Blacksmiths
Chiroprodists, Osteopaths and Chiropractors
Computer Software
Construction Contractors and Real Estate Developers
Co-operative Associations
Dentists
Enterprise Zones
Farm Chemicals
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 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
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 130.2035 Registered Pharmacists and Druggists
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 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 130.2050 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use in Demonstration
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
 130.2090 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and the Like
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines

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130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians

130.2170 Warehousemen

130.ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 440 et seq.) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b3).

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendments at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill.

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Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.151 Enterprise Zones

a) Building Materials Purchased for Physical Incorporation into Real Estate Located in an Enterprise Zone

- 1) Effective September 1, 1985, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials which will be incorporated into real estate located in an *enterprise zone* by *remodeling, rehabilitation or new construction*. (Section 5k of the Act)
- 2) The retailer of qualifying building materials must be located in the municipality or in the unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated.
- 3) A retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:
 - A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an enterprise zone, and
 - B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number), and
 - C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate), and
 - D) the name of the enterprise zone in which that real estate is located (and the retailer must insure that he is located within the municipality or in an unincorporated area of the county which established

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the enterprise zone named in the purchaser's statement), and

E) the purchaser's signature and date of signing.

4) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of:

- A) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the deduction,
- B) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the deduction,
- C) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the deduction,
- D) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the real estate can qualify for the deduction,
- E) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the real estate can qualify for the deduction,
- F) built-in cabinets and other woodwork which are physically incorporated into the real estate can qualify for the deduction,
- G) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the real estate can qualify for the deduction,
- H) floor coverings such as tile, linoleum and carpeting which is glued or otherwise permanently affixed to the real estate (tacking is not considered to be physical incorporation) can qualify for the deduction.

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- 5) Items which are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of:

- A) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at an enterprise zone building site, but which are not physically incorporated into the real estate, do not qualify for the deduction,
- B) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems do not qualify for the deduction,
- C) tacked-down carpeting and other floor coverings which are not physically incorporated into real estate do not qualify for the deduction.

- b) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Manufacturing or Assembling by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) Effective September 25, 1985, the Illinois Retailers' Occupation Tax does not apply to retail sales of *tangible personal property to be used or consumed within an enterprise zone or subject to the provisions of Section 5.5 of the Enterprise Zone Act, all tangible personal property to be used or consumed by any high impact business, in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease so long as the use or consumption is made by business enterprises which in the case of a high impact business having been designated pursuant to the terms of Section 5.5(a) of the Enterprise Zone Act (Ill. Rev. Stat. 1989, ch. 67 1/2, par. 609.1) or which in the case of an enterprise zone:*

- A) Either
 - (i) *make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois;*
 - or

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- (ii) *make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or*
- (iii) *make investments of a minimum of \$40,000,000; and*

- B) *are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act, and*
- C) *are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in Clauses (A) and (B) above, and*
- D) *retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption. (Sections 1d and 1f of the Act)*

- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.

- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in manufacturing or assembling qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute manufacturing or assembling remain subject to the tax. The Department has defined manufacturing and assembling at Sections 130.330(b)(2) through (8) of this Part which are incorporated by reference herein.

- 4) The tangible personal property must be used in a manufacturing or assembling process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in manufacturing or assembling and includes repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale, or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling machinery or equipment. (Section 1d of the Act)

- 5) For example, this exemption extends to:

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- A) machinery and equipment which would otherwise qualify under the manufacturing machinery and equipment exemption because of being used in the activities set out at Section 130.330(d)(3) of this Part, and repair and replacement parts for such machinery and equipment,
- B) hand tools used in the activities set out at Section 130.330(d)(3) of this Part,
- C) materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set out at Section 130.330(d)(3) of this Part,
- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part,
- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part,
- F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part,
- G) protective clothing and safety equipment such as gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part.
- 6) The law requires that tangible personal property be used primarily in manufacturing or assembling. Therefore,

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tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

- 7) The exemption does not extend to tangible personal property which is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity which is essential to manufacturing or assembling. For example, the exemption does not extend to:
- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the manufacturing machinery and equipment exemption,
- B) tangible personal property used or consumed in research and development of new products, production techniques or production machinery,
- C) tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle,
- D) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle,
- E) tangible personal property used to transport work-in-process or finished articles between production plants,
- F) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training,
- G) tangible personal property used or consumed as general production plant safety equipment.

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- H) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process,
- I) tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail sale, such as restaurants, vending machines and food service establishments,
- J) fuel used or consumed in the operation of any machinery or equipment which would not qualify for exemption under the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part,
- K) building materials which become physically incorporated into foundations or housings for machinery and equipment--although such building materials may qualify for exemption under the provisions of Section 130.1951(a) of this Part if all requirements set out therein are met, and
- L) building materials dedicated to general construction purposes at a production plant--although such building materials may qualify for exemption under the provisions of Section 130.1951(a) of this Part if all requirements set out therein are met.
- 8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.
- 9) Product Use
- The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. For information concerning this requirement, see Section 130.330(e) of this Part which is incorporated by reference herein.
- 10) Sales to Lessors of Certified Business Enterprises

The substance and provisions of Section 130.330(f) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.330(f) to "manufacturers" mean "certified business enterprises".

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- 11) Exemption Certification
- A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:
- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs, and
 - ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)
- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.
- C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of manufacturing or assembling, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

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- D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.

- c) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Graphic Arts Production by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) No state or local retailers' occupation tax applies to retail sales of tangible personal property to be used or consumed within an enterprise zone . . . in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons so long as the use or consumption is made by a business enterprises that:

A) Either

- (i) make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or
 or
 (ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 (iii) make investments of a minimum of \$40,000,000; and

- B) are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act, and

- C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in Clauses (A) and (B) above, and

- D) retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption. (Sections 1d and 1f of the Act)

- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the

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Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.

- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in graphic arts production qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute graphic arts production remain subject to the tax. The Department has defined graphic arts production at Section 130.325(b) through of this Part.

- 4) The tangible personal property must be used in a graphic arts production process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in graphic arts production and includes repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production, and equipment, graphic arts fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment. (Section 1d of the Act)

- 5) For example, this exemption extends to:

- A) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities set out at Section 130.325(c)(3) of this Part and for repair and replacement parts for such machinery and equipment.

- B) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325(c)(3) of this Part.

- C) materials and prep supplies, such as mylar, masking sheets, developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325(c)(3) of this Part.

- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.

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- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.
- F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.
- G) protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.
- 6) The law requires that tangible personal property be used primarily in graphic arts production. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.
- 7) The exemption does not extend to tangible personal property which is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity which is essential to graphic arts production. For example, the exemption does not extend to:
- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the graphic arts production exemption

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- B) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle.
- C) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle.
- D) tangible personal property used to transport work-in-process or finished articles between production plants.
- E) machinery or equipment used to place the printed product in the container, package or wrapping in which such property is normally sold to the ultimate consumer thereof.
- F) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other date-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier.
- G) Xerographic or photocopying machines.
- H) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production.
- I) computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer which generates an image which may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system which produces printing cylinders and computer-controlled digital typesetting equipment would qualify.
- J) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition

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and promotion or personnel recruitment, selection or training.

K) tangible personal property used or consumed as general production plant safety equipment.

L) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process

8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

9) Sales to Lessors of Certified Business Enterprises

The substance and provisions of Section 130.325(d) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.325 to "lessee" mean "certified business enterprises."

10) Exemption Certification

A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs, and

ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)

B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face

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of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of graphic arts production, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.

de) Tangible Personal Property Purchased for Use or Consumption in the Operation of Pollution Control Facilities within an Enterprise Zone by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

1) Effective September 25, 1985, subject to the provisions of Section 1f of the Act or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1989, ch. 67 1/2, par. 609.1) the Illinois Retailers' Occupation Tax does not apply to gross receipts from retail sales of tangible personal property to be used or consumed in the operation of pollution control facilities ... within an enterprise zone (Section 1e of the Act) so long as the use or consumption is made by a business enterprise which has complied with the requirements set out at Section 130.1951(b)(1)(A), (B) and (C) of this Part.

2) The phrase "pollution control facilities" is defined as:

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A) "...any system, method, construction, device, or appliance appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing or reducing air and water pollution as the term 'air pollution' or 'water pollution' is defined in the 'Environmental Protection Act' ... or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which is released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property." (Section 1a of the Act).

B) The exemption for pollution control facilities described at Section 130.330 of this Part extends only to pollution control facilities and replacement parts therefor.

3) However, if a business enterprise is certified by the Department of Commerce and Community Affairs, all tangible personal property used or consumed by it in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be in the enterprise zone. By way of illustration, this exemption includes:

- A) fuel used in operating pollution control facilities,
- B) chemicals used in the operation of pollution control facilities,
- C) catalysts used in the operation of pollution control facilities,
- D) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities,
- E) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities,
- F) lubricants and coolants used in the operation of pollution control facilities,
- G) protective clothing and safety equipment used in the operation of pollution control facilities,

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H) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in the enterprise zone to a pollution control facility located in the same enterprise zone,

I) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification,

J) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.

4) No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities which are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:

- A) equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone,
- B) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone,
- C) testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone,
- D) testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.

5) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax.

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It is not restricted to retailers located in jurisdictions which have established enterprise zones.

6) Sales to Lessors of Certified Business Enterprises

A) For this exemption to apply, the purchaser need not himself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a lessee-certified business enterprise which uses the items in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may deduct such sales from his taxable gross receipts provided the purchaser-lessor provides to him a properly completed exemption certificate and the information contained thereon would support the exemption if the sale were made directly to the lessee-certified business enterprise.

B) Should a purchaser-lessor lease the items to a lessee which is not a certified business enterprise or to a certified business enterprise which does not use those items in the operation of pollution control facilities within an enterprise zone, then the purchaser-lessor will become liable for the tax from which he was previously exempted.

7) Exemption Certification

A) When a certified business enterprise (or the lessor of a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs, and
- ii) a written statement of exemption signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.

B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

C) If a certified business enterprise (or its lessor) purchases tangible personal property which could reasonably be used in the operation of pollution control facilities, then the certified business enterprise (or its lessor) should certify to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

D) An item which is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.

(Source: Amended at 15 Ill. Reg. _____ effective _____)

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- 1) Heading of Part: Floodway Construction in Northeastern Illinois
- 2) Code Citation: 92 Ill. Adm. Code 708
- 3) Section Numbers: 708.70
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 19, par. 52 et seq.

Proposed Action:

Amend

5) A complete description of the subjects and issues involved:

By this rulemaking, the Department proposes to amend a restriction which prohibits the replacement, reconstruction or repair of a building within a floodway which has been damaged to 50% or more of its market value before damage occurred. The proposed amendment would allow such buildings to be replaced, reconstructed or repaired provided the outside dimensions are not increased and provided the building will be protected from flooding to or above the 100-year frequency flood elevation. The Department believes that the current rule is overly restrictive and might result in an unreasonable hardship to owners of damaged buildings in a floodway. The proposed amendment will make Part 708 consistent with the minimum requirements of the Federal Emergency Management Agency for community participation in the National Flood Insurance Program.

This amendment also clarifies that minor modifications to existing buildings are considered appropriate uses and, therefore, are permissible as long as they meet the Department's minimum standards. Specifically, regulatory floodway storage and conveyance must be preserved. The Department believes that minor modifications of existing buildings such as fireplaces, bay windows, decks, patios and second story additions (including vertical additions and additions above the 100-year frequency flood elevation which have no new supports below the 100-year frequency flood elevation) are appropriate use of the floodway and are consistent with the legislative intent of the statutory authority.

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- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Part will not affect units of local government except to allow amendments to their floodplain ordinances to be consistent with the amended rule.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:
- Mr. David R. Boyce, P. E.
Chief, Floodplain Management Section
Department of Transportation
Division of Water Resources
P.O. Box 19484
Springfield, Illinois 62794-9484
(217) 782-3862

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: May 21, 1991
- B) Types of small businesses affected: All businesses located in the floodway will be positively affected by the amendment to this Part. The current rule is overly restrictive and could result in an unreasonable hardship.

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- C) Reporting, bookkeeping or other procedures required for compliance: Those businesses who propose to rebuild will require a permit from the Department. Currently, businesses damaged more than 50% are not allowed to rebuild, therefore, a permit from the Department was not an option.
- D) Types of professional skills necessary for compliance: The services of a professional engineer and/or land surveyor will be required to rebuild.

The full text of the Proposed Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER I: WATER RESOURCES

PART 708

FLOODWAY CONSTRUCTION IN NORTHEASTERN ILLINOIS

Section	Purpose
708.10	Definitions
708.20	Jurisdiction
708.30	General Provisions
708.40	Regulatory Floodway Maps
708.50	Delineation of the Regulatory Floodway
708.60	Permitting Appropriate Uses of the Regulatory Floodway
708.70	Changes to the Regulatory Floodway
708.80	Delegation to Municipalities and Counties
708.90	Violations
708.100	Permit Application
708.110	Public Notice
708.120	Public Hearings
708.130	Time to Permit Issuance; Emergency Authorizations; Duration; Revisions
708.140	Permit Conditions
708.150	General Permits
708.160	Regional Permits
708.170	Final Administrative Decisions
708.180	Effective Date
708.190	

AUTHORITY: Implementing and authorized by Section 18g of "AN ACT in relation to the regulation of the rivers, lakes and streams of the State of Illinois" (Ill. Rev. Stat. 1989, ch. 19, par. 65g).

SOURCE: Adopted at 12 Ill. Reg. 20547, effective November 29, 1988; amended at 13 Ill. Reg. 8667, effective May 23, 1989; amended at Ill Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 708.70 Permitting Appropriate Uses of the Regulatory Floodway

- a) The Department will issue permits for appropriate uses of the regulatory floodway of which PERIODIC INUNDATION WILL NOT POSE A DANGER TO THE GENERAL HEALTH AND WELFARE OF THE USER OR REQUIRE THE EXPENDITURE OF PUBLIC FUNDS OR THE PROVISIONS OF PUBLIC RESOURCES OR DISASTER RELIEF SERVICES, (Section 18g of the Act) or result in increased flood stages due to the singular or cumulative loss of regulatory floodway storage or regulatory floodway conveyance or increase in flood velocities.

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- b) To receive a permit for work in the regulatory floodway, the proposed construction shall meet two criteria:
- 1) The proposed construction shall be an appropriate use of the regulatory floodway as defined in this subsection (c); and
 - 2) The proposed construction shall not reduce the regulatory floodway storage or conveyance and shall not increase regulatory floodway velocities.
- c) Appropriate uses of the regulatory floodway that will be considered for permit issuance consist of construction, modification, repair, or replacement of:
- 1) FLOOD CONTROL STRUCTURES, DIKES, DAMS AND OTHER PUBLIC WORKS OR PRIVATE IMPROVEMENTS RELATING TO THE CONTROL OF DRAINAGE, FLOODING OR EROSION (Section 18g of the Act) or water quality or habitat for fish and wildlife (e.g. Section 708.80(a)(3) and Section 708.80(a)(4));
 - 2) STRUCTURES OR FACILITIES RELATING TO THE USE OF, OR REQUIRING ACCESS TO, THE WATER OR SHORELINE, SUCH AS PUMPING AND TREATMENT FACILITIES, AND FACILITIES AND IMPROVEMENTS RELATED TO RECREATIONAL BOATING, COMMERCIAL SHIPPING AND OTHER FUNCTIONALLY DEPENDENT USES (Section 18g of the Act);
 - 3) Storm and sanitary sewer outfalls;
 - 4) Underground and overhead utilities;
 - 5) Recreational facilities such as playing fields and trail systems including any related fencing built parallel to the direction of flood flows;
 - 6) Detached GARAGES, STORAGE SHEDS, OR OTHER non-habitable ACCESSORY STRUCTURES TO EXISTING BUILDINGS THAT WILL NOT BLOCK FLOOD FLOWS. THIS DOES NOT INCLUDE THE CONSTRUCTION or placement OF ANY OTHER NEW STRUCTURES, (Section 18g of the Act) fill, building additions, buildings on stilts, fencing (including landscaping or plantings designed to act as a fence) and the storage of materials;
 - 7) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
 - 8) Parking lots (where depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot) and aircraft parking aprons built at or below ground elevation and any modification thereto;

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- 9) Regulatory floodway regrading, without fill, to create a positive slope toward a watercourse;
 - 10) Flood proofing activities to protect existing structures such as, but not limited to, constructing water tight window wells, and elevating; and
 - 11) ~~In the case of damaged or replacement buildings, reconstruction or repairs made to a building that is valued at less than 50% of the market value of the building before it was damaged or replaced, and which does not increase the outside dimensions of the building.~~
 - 11) The replacement, reconstruction or repair of a damaged building, provided that the outside dimensions of the building are not increased and, provided that, if the building is damaged to 50% or more of the building's market value before it was damaged, the building will be protected from flooding to or above the 100-year frequency flood elevation; and
 - 12) Modifications to an existing building that would not increase the enclosed habitable area of the building below the 100-year frequency flood elevation, including but not limited to, fireplaces, bay windows, decks, patios, and second story additions.
- d) The construction of an appropriate use below the 100-year frequency flood elevation will be considered permissible provided the proposed project meets the following criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer or in the case of a federal project, by the federal agency:
- 1) In the case of the construction of a new bridge or culvert crossing and roadway approach, the proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements; or a flood control project is built to mitigate the increased backwater due to the structure.
 - 2) In the case of bridge and culvert reconstruction or modification, the bridge or culvert and roadway approach

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reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage. The proposed construction shall meet the following criteria:

- A) The proposed structure, including approach roads, does not result in an increase in upstream stages for normal and flood flows when compared to the existing structure.
- B) On publicly navigated waterways, the proposed structure is not an obstruction to navigation.
- C) The determination as to whether the existing structure is a source of flood damage shall be made according to the following method:
 - i) Determine the increase in upstream flood profile due to the existing bridge or culvert by calculation or from the flood study used to delineate the regulatory floodway for all reported flood profiles up to and including the 100-year flood.
 - ii) Determine if there are any buildings or structures located in the 100-year flood plain upstream of the existing bridge or culvert that may be subjected to flooding. The upstream flood plain shall be checked for the length of stream required for the backwater impacts due to the existing bridge or culvert to be reduced to 0.1 foot or less.
 - iii) Collect the low opening elevations or lowest damageable elevations of the upstream buildings and structures as identified in subsection (d)(2)(c)(ii), above. Determine if any buildings or structures are subject to inundation by the 100-year frequency flood event.

- 3) In the case of bridge or culvert reconstruction and modification, if the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, based on the above review, the applicant's engineer must evaluate the feasibility of redesigning the structure to reduce the

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existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

- A) The applicant's engineer must submit to the Department his or her evaluation to justify why the proposed structure should be designed to allow an increase in the upstream flood stage of more than 0.1 foot when compared to a flood stage without the existing bridge or culvert or roadway approach in place for all flood events up to and including the 100-year frequency event.
- B) The evaluation shall also consider the feasibility of containing the upstream flood stage increases within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or flood walls), or within recorded flood easements; or constructing a flood control project to mitigate the increased backwater due to the structure.
- 4) In the case of any other on-stream structure built for the purpose of backing up water in the stream during normal or flood flows, but not permitted as a dam according to 92 Ill. Adm. Code 702 (Construction and Maintenance of Dams), the proposed structure shall not result in an increase of upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements; or a flood control project is built to mitigate the increased backwater due to the structure.
- 5) In the case of the construction of appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors must be taken into consideration:
 - A) Regulatory floodway conveyance, " K " = $\frac{1.486}{n} AR^{2/3}$ where " n " is Manning's roughness factor, " A " is the effective area of the cross-section, and " R " is the ratio of the area to the wetted perimeter. (See Open

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Channel Hydraulics, Ven Te Chow, 1959 Edition, McGraw-Hill Book Company, New York, New York. This incorporation contains no later editions or amendments.)

- B) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
- C) Transition sections must be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to the Department through engineering calculations and model tests that more abrupt transitions may be used with the same efficiency:

- i) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

- ii) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

- iii) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

- iv) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.

- v) All cross-sections used in the calculations must be located perpendicular to flood flows.

- 6) For all appropriate uses, compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects.

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Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage must be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing 10-year flood elevation must be replaced below the proposed 10-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation must be replaced above the proposed 10-year flood elevation. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer must demonstrate to the Department through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

- 7) For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities. However in the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

- 8) When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses, transition sections must be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to the Department through engineering calculations and model tests that more abrupt transitions may be used with the same efficiency:

- A) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;

- B) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and

- C) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

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- 9) If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations. However, for bridge and culvert construction or reconstruction, a smaller bridge or culvert may be built if it can be demonstrated to the Department that the proposed structure would meet the requirements of this section for the 100-year frequency flood elevation of the regulatory floodway and would not be a source of flood damage as determined according to the method described in subsection (d)(2)(C)(i)-(iii), to any existing upstream building or structure when analyzed as follows. The proposed bridge or culvert shall be analyzed for a 100-year flood frequency flow on the tributary stream and for all tailwater elevations on the receiving stream between and including the normal water elevation and the 10-year flood frequency elevation.

- 10) If an applicant learns from the Department, local government, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a public flood control project is scheduled to be built within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

- 11) In the case of flood proofing activities, if construction is required beyond the outside dimensions of an existing building, the flood proofing construction shall be placed as close as possible to the existing building and be the minimum width necessary to protect the building. Compensation of lost storage and conveyance will not be required for flood proofing activities.

- 12) For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to the Department through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

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- 13) If the appropriate use would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, the applicant shall submit to the Department and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory floodway map revision and receive from the Department a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by the Department until as-built plans are submitted and accepted by FEMA and the Department. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas must concur with the proposed conditional regulatory floodway map revision before Department approval can be given.

- 14) All engineering analyses shall be performed by or under the supervision of a registered professional engineer, except in the case of a federal project.

- 15) All dams, as defined by 92 Ill. Adm. Code 702, shall meet the permitting requirements of Part 702 (Construction and Maintenance of Dams).

(SOURCE: Amended at _____, Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Uniform System of Accounts for Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 710
- 3) Section Numbers: Adopted Action:
710.1 Amendment
710.2000 Amendment

4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

- 5) Effective Date of Amendments: June 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? Yes. Approval form not necessary for this incorporation.
- 8) Date Filed in Agency's Principal Office: May 16, 1991
- 9) Notice of Proposal Published in Illinois Register: December 28, 1990, at 14 Ill. Reg. 20565.

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Difference(s) between proposal and final version: Citations to incorporated Sections from the Code of Federal Regulations corrected in Section 710.2000(a)(2).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The amendment of Part 710 will keep it consistent with the Federal system of accounts for telecommunications carriers.

ILLINOIS REGISTER
ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER f: TELEPHONE UTILITIES

PART 710

UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS CARRIERS

Section	
710.1	Adoption of 47 CFR 32 by Reference
710.3	Authority
710.4	Communications Act
710.11	Classification of companies
710.13	Accounts - General
710.14	Regulated accounts
710.16	Changes in accounting standards
710.17	Interpretation of accounts
710.18	Waivers
710.19	Address for reports and correspondence
710.22	Comprehensive interperiod tax allocation
710.23	Nonregulated activities
710.25	Unusual items and contingent liabilities
710.27	Transactions with affiliates
710.100	List of retirement units
710.105	Retirement units for use in conjunction with Account 2112
710.110	"Motor vehicles"
710.110	Retirement units for use in conjunction with Account 2113
710.115	"Aircraft"
710.115	Retirement units for use in conjunction with Account 2114
710.120	"Special purpose vehicles"
710.120	Retirement units for use in conjunction with Account 2115
710.125	"Garage work equipment"
710.125	Retirement units for use in conjunction with Account 2116
710.130	"Other work equipment"
710.130	Retirement units for use in conjunction with Account 2121
710.135	"Buildings"
710.135	Retirement units for use in conjunction with Account 2122
710.140	"Furniture"
710.140	Retirement units for use in conjunction with Account
710.145	2123.1 "Office support equipment"
710.145	Retirement units for use in conjunction with Account
710.150	2123.2 "Company communications equipment"
710.150	Retirement units for use in conjunction with Account 2124
710.155	"General purpose computers"
710.155	Retirement units for use in conjunction with Account 2211
	"Analog electronic switching"

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710.160	Retirement units for use in conjunction with Account 2212
710.165	"Digital electronic switching"
710.165	Retirement units for use in conjunction with Account 2215
710.170	"Electro-mechanical switching"
710.170	Retirement units for use in conjunction with Account 2220
710.175	"Operator system"
710.175	Retirement units for use in conjunction with Account 2231
710.180	"Radio system"
710.180	Retirement units for use in conjunction with Account 2232
710.185	"Circuit equipment"
710.185	Retirement units for use in conjunction with Account 2321
710.190	"Customer premises wiring"
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710.200	"Public telephone terminal equipment"
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710.205	"Other terminal equipment"
710.205	Retirement units for use in conjunction with Account 2411
710.210	"Poles"
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710.215	"Aerial cable"
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710.220	Retirement units for use in conjunction with Account 2423
710.225	"Buried cable"
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710.1160	"Conduit systems"
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710.1180	Account 1180 Telecommunications accounts receivable
710.1181	Account 1181 Accounts receivable allowance - Telecommuni- cations
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710.1200	Account 1200 Notes receivable
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710.2000	Instructions for telecommunications plant accounts
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710.4010 Account 4010 Accounts payable
 710.4020 Account 4020 Notes payable
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 710.4999 General Revenue Accounts
 710.5082 Account 5082 Switched access revenue
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 710.5999 General - Expense Accounts
 710.7250 Account 7250 Provision for deferred operating income taxes - net
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 710.9000 Glossary of Terms

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

SOURCE: Adopted April 15, 1974; amended at 2 Ill. Reg. 52, p. 473, effective January 1, 1979; codified at 7 Ill. Reg. 15949; amended at 7 Ill. Reg. 15972, effective November 18, 1983; emergency amendment at 8 Ill. Reg. 7636, effective May 17, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21231, effective October 15, 1984; amended at 9 Ill. Reg. 4029, effective April 1, 1985; amended at 9 Ill. Reg. 9453, effective June 10, 1985; amended at 9 Ill. Reg. 18912, effective November 20, 1985; amended at 10 Ill. Reg. 161, effective December 23, 1985; emergency amendment at 10 Ill. Reg. 775, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10526, effective May 30, 1986; amended at 11 Ill. Reg. 9035, effective May 1, 1987; emergency repealer and emergency rules adopted at 12 Ill. Reg. 1295, effective January 1, 1988, for a maximum of 150 days; Part repealed, new Part adopted at 12 Ill. Reg. 9645, effective May 25, 1988; amended at 13 Ill. Reg. 16971, effective May 15, 1989; amended at 13 Ill. Reg. 16971, effective November 1, 1989; amended at 14 Ill. Reg. 10021, effective June 15, 1990; amended at 15 Ill. Reg. 8205, effective June 1, 1991.

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Section 710.1 Adoption of 47 CFR 32 by Reference

The Illinois Commerce Commission ("Commission") adopts 47 CFR 32, as of January 1 May 21, 1990, as its uniform system of accounts for telecommunications carriers, subject to the exceptions set forth in this Part. No incorporation in this Part includes any later amendment of edition.

(Source: Amended at 15 Ill. Reg. 8205, effective June 1, 1991)

Section 710.2000 Instructions for telecommunications plant accounts

a) Section 32.2000(a)(4)

1) In Section 32.2000(a)(4), delete "\$200" and substitute "\$500."

2) In Section 32.2000(a)(4), add a new subsection 32.2000(a)(4)(ii) as follows:

"(A) The Commission provides administrative relief by eliminating the need to maintain separate continuing property records for the embedded previously capitalized items in Section 32.2000(a)(4)(i) costing between \$200 to \$500. However, segregation is required of the embedded balances for those assets costing between \$200 and \$500 designated in Section 32.2000(a)(4)(i). This is accomplished by establishing subsidiary records for the assets and the related accumulated depreciation reserve accounts and recording in such subsidiary records the asset and the related accumulated depreciation balance for the embedded items costing between \$200 and \$500.

(B) The Commission allows the amortization of the embedded net balances in the subsidiary records over an eight year period. This shall be accomplished by monthly credits to the asset account subsidiary records and monthly debits to the accumulated depreciation subsidiary records. The monthly amounts shall be determined by dividing the subsidiary

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record balances by the number of months remaining in the amortization period. The difference between the debit and credit amounts so determined shall be charged to Account 6565, Amortization Expense - Other. At the end of the eight year amortization period, when the balances in the subsidiary records have been fully amortized, use of the subsidiary records shall be discontinued.

(C) Carriers shall be permitted, if they wish, to adopt the requirements in Section 32.2000(a)(4)(ii), retroactive to January 1, 1989."

- b) In determining the reasonable amounts of interest to which Section 32.2000(c)(2)(x)(A) refers, the Commission will consider items including, but not limited to, current money market rates and the carrier's interest rate on its debt and return on equity funds.
- c) In Section 32.2000 (e)(5), insert "Chief Accountant of" before "Commission."
- d) In Section 32.2000(e)(5)(i), insert "Chief Clerk of the" before "Commission."
- e) In Section 32.2000(e)(5)(ii), insert "Chief Accountant of the" before "Commission."
- f) In Section 32.2000(f)(2)(ii), add "Chief Accountant of the" before "Commission" in the first and second sentences.
- g) In Section 32.2000(f)(2), add a new subsection (iv) as follows:

"(A) Each telecommunications company shall record all changes such as installations, additions, retirements, or replacement of telecommunications plant by means of a work order or job order system. Items which are complete retirement units (e.g. motor vehicle, furniture) do not require the use of work orders before recording them in the plant accounts.

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(B) The work order shall include the following particulars:

- (1) A work order number.
- (2) The description and the location of the work to be done (or the purchases to be made), the dates between which such work (or purchase) is to be accomplished, the date the work is begun and the date it is finished, together with maps, plans or diagrams, specifications, etc., applicable to the project.
- (3) The accumulated charges applicable to each particular job or project and the total cost of the completed project, also the cost of removal. (When any project involves charges to more than one account, the work order should be kept so as to show the amount chargeable to each account. Every charge or credit on work orders shall refer to the voucher, journal, or other source from which the entry therein was made.)

(C) The cost of completed projects shall be promptly transferred to the telecommunications plant accounts to which they are chargeable."

- h) The "unusual or special type of construction" to which Section 32.2000(f)(3)(ii)(B) refers includes, but is not limited to, construction in an ecologically sensitive area, such as microwave station construction in a national park, and the installation of submarine cable.
- i) In Section 32.2000(f)(7), insert "Chief Accountant of the" before "Commission."
- j) To Section 32.2000(g)(2)(ii), add the following:

After a carrier files a petition pursuant to 83 Ill. Adm. Code 200 for approval of a depreciation rate, the Commission shall consider such factors as asset useful life, obsolescence (both ordinary and extraordinary), inadequacy of the asset, tax effects, interstate settlement effects, and the economic effects on ratepayers.

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- k) In Section 32.2000(g)(5), delete "this" from the first sentence and substitute "the Chief Accountant of the."
- l) In Section 32.2000(h)(1), delete "Unless otherwise provided by this Commission, either through approval, or upon prescription by this Commission."

(Source: Amended at 15 Ill. Reg. 8205 , effective June 1, 1991)

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- 1) The ading of the Part: Arbitration
- 2) Code tation: 50 Ill. Adm. Code 7030
- 3) Section Numbers:
7030.20
7030.80
Adopted Action
Amendment
Amendment
- 4) Statutory Authority: Implemented by Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1989, ch. 48, pars. 138.19 and 138.16) and the Workers' Occupational Diseases Act (Ill. Rev. Stat. 1989, ch. 48, pars. 172.54 and 172.51).
- 5) Effective Date of Adopted Amendments: May 17, 1991
- 6) Does The Rulemaking Contain an Automatic Repeal Date? No
- 7) Do these Adopted Amendments Contain Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: May 17, 1991
- 9) Notice of Proposal Published in Illinois Register: November 16, 1990 (14 Ill. Reg. 18434)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
No

11) Differences Between Proposal and Final Version:

In 7030.20(a) line 1, added the word "written" before the word "request".

In 7030.20(c)(3) line 4, after the word "to" deleted the words "the Arbitrator and".

In 7030.20(c)(3) line 26, deleted the sentence "The case will proceed to trial on the day set, and a decision rendered on the merits, based on the evidence presented by the party or parties who appear."

In 7030.20(d) line 4, deleted "by 9:30 a.m." and added "prior to the beginning of the hearing in the case."

In 7030.20(d) deleted the sentence "If a case does not proceed to trial on the day set due to the volume of cases set by the Arbitrator, the parties may obtain a preference order on the trial date to be presented at the next monthly status call on which the case appears in accordance with Section 7020.60(b)(2)(C)."

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In 7030.20(e) line 1, after the word "prepared" added ", absent good cause shown,".

In 7030.20(e) line 5, after the word "proofs" added ", absent good cause shown,".

In 7030.20(e) line 5, deleted the sentence "All hearings under Section 19(b-1) of the Act must be concluded during the Arbitrator's next hearing cycle."

In 7030.20 deleted all of paragraph (f).

In 7030.80(a) line 2, after the word "party" deleted the word "submit" and added "file a proposed decision or." In line 2 after the word "the" added the words "proposed decision or".

In 7030.80(a) line 4, after the word "The" added the words "proposed decision or".

In 7030.80(a) added the following sentence at the end of section (a) "The proposed decision shall be written in the same manner and form as that which is required under subsection (b)."

In 7030.80(b)(2) deleted the phrase "as stipulated to by the parties".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these adopted amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments:

Certain pre-arbitration and arbitration procedures implemented by the Industrial Commission were invalidated by the Illinois Appellate Court in Barrios v. Ray J. Rybacki, et al, 190 Ill. App. 3d 388 (1989) for the reason that the Industrial Commission failed to promulgate the procedures in accordance with the Administrative Procedure Act. On remand from the Appellate Court, the Circuit Court of Cook County ordered the Commission to consider amendments to its pre-arbitration and arbitration procedures in accordance with the Administrative Procedure Act (87 CH 11027). The Commission has considered these procedures and adopts amendments to Part 7030 as described below.

Section 7030.20 sets forth procedures for setting a case for trial.

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Requests for trial shall be made at the monthly status call with 15 days notice of the request to be given to the opposing party. On each trial day between 8:45 a.m. and 9:15 a.m., the Arbitrator shall establish the order in which cases shall proceed. All Request for Hearing forms must be completed, signed and submitted to the Arbitrator prior to the beginning of the hearing. Any party who requests a trial date must be prepared, absent good cause shown, to proceed to trial. All cases, except those which are heard under Section 19(b-1) of the Act, must be concluded within 3 months of the first hearing date or the Arbitrator will close proofs, absent good cause shown, and render a decision.

Section 7030.80 provides that at the close of proofs, the Arbitrator may require each party to file a proposed decision or brief within 14 days. The proposed decision or brief must set forth the party's position on each issue in dispute and be served on the Arbitrator and all other parties and contain proof of service. The proposed decision shall be written in the same manner and form as that which is required for arbitrator's decisions.

16) Information And Questions Regarding These Adopted Amendments Shall Be Directed To:

Kathryn A. Kelley
Counsel
Illinois Industrial Commission
100 West Randolph
Suite 8-272
Chicago, Illinois 60601
(312)814-6559

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER II: INDUSTRIAL COMMISSIONPART 7030
ARBITRATION

Section

- 7030.10 Arbitration Assignments
 7030.20 Setting a Case for Trial
 7030.30 Disqualification of Commissioners and Arbitrators
 7030.40 Request for Hearing
 7030.50 Subpoena Practice
 7030.60 Depositions
 7030.70 Rules of Evidence
 7030.80 Briefs, Arbitrators' Decisions
 7030.90 Opening and/or Closing Statements
 7030.100 Voluntary Arbitration under Section 19(p) of the Workers' Compensation Act and Section 19(m) of the Workers' Occupational Diseases Act

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1989, ch. 48, pars. 138.19 and 138.16) and the Workers' Occupational Diseases Act (Ill. Rev. Stat. 1989, ch. 48, pars. 172.54 and 172.51)

SOURCE: Filed and effective March 1, 1977; amended at 4 Ill. Reg. 26, p. 159, effective July 1, 1980; emergency rule at 5 Ill. Reg. 8547, effective August 3, 1981 for a maximum of 150 days; amended at 6 Ill. Reg. 3570, effective March 22, 1982; emergency rule at 6 Ill. Reg. 5820, effective May 1, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 7, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2514; amended at 9 Ill. Reg. 19722, effective December 6, 1985; emergency rule at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13141, effective August 1, 1990; amended at 15 Ill. Reg. 8214; effective May 17, 1991.

Section 7030.20 Setting a Case for Trial

- a) A written request for a date certain for trial may be made at the monthly status call on which the case appears. A request for a trial date in a case which does not appear on the monthly status call may only be made in accordance with Section 7020.60(b)(2)(B).
- b) If the parties by agreement request a trial date, the Arbitrator will hold a pretrial conference and, at the conclusion of said

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conference, if the matter is not resolved, the Arbitrator will assign a specific date and time for trial. A pre-trial conference may be held by the Arbitrator.

c) If there is no agreement:

- 1) The Petitioner Any party may file a motion requesting a date certain for trial. The motion should be accompanied by a form provided by the Industrial Commission called a Request for Hearing, which sets forth the Petitioner's moving party's claims on each issue.
- 2) A) A Respondent may file a motion requesting a date certain for trial if Respondent claims that:
- Ai) Respondent has not received in the prior 6 months any bills or other evidence that Petitioner is under medical care or undergoing physical or vocational rehabilitation related to the alleged accidental injuries, and
- Bi) Respondent has evidence establishing that Petitioner has not been entitled for the prior 6 months to temporary total disability benefits as a result of the alleged accidental injuries, and such benefits have not been paid for that period.

B)

- 3) The motions for trial dates shall be filed and heard pursuant to Section 7020.70 and Section 7020.60. If the Arbitrator determines that proper and timely fifteen (15) days notice was given of the motion for trial date to the opposing party, opposing party was provided with a completed Request for Hearing, said case appears on the monthly status call on the date the motion is heard, or if the case is not on the status call, the Arbitrator has determined that the case falls within the exceptions in Section 7020.60(b)(2)(B), and that the matter should proceed to trial, the Arbitrator shall set the matter for trial on a date 15 days or more after the opposing party has received a completed Request for Hearing form, or a completed Petition for Immediate Hearing, or sooner by agreement of the parties and the Arbitrator certain. If the lawyer for any party (or the party himself if unrepresented) fails without good cause to appear, the Arbitrator will hear the motion for trial date ex parte, and if the Arbitrator determines the matter is ready for trial, will set a trial date convenient to the Arbitrator

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and the party that appeared, but in no event less than 15 days from receipt by the opposing party of the Request for Hearing form setting forth the moving party's claims. The party that appeared shall notify the lawyer for the opposing party (or the opposing party if unrepresented) of the hearing trial date. The case will proceed to trial on a day set, and a decision rendered on the merits, based on the evidence presented by the party or parties who appear. Failure of both parties to appear on the trial day set without good cause will result in dismissal of the claim. Failure of the Petitioner to appear without good cause on the trial day may result in dismissal of the claim. Failure of the Respondent to appear may result in an ex parte hearing as to the merits of the cause.

d) On each trial day between 8:45 a.m. and 9:15 a.m. the Arbitrator shall establish the order in which cases shall proceed that day. Request for Hearing forms must be completed, signed and submitted to the Arbitrator prior to the beginning of the hearing in the case.

e) Any party who requests a date certain for trial must be prepared, absent good cause shown, to proceed to trial. All cases, except those which are heard under Section 19(b-1) of the Act, must be concluded within 3 months of the first hearing date or the Arbitrator will close proofs, absent good cause shown, and render a decision.

(Source: Amended at 15 Ill. Reg. 8214, effective May 17, 1991.)

Section 7030.80 Briefs, Arbitrators' Decisions

a) At the close of proofs, the Arbitrator may require that each party file a proposed decision or a brief within 14 days. The proposed decision or brief must set forth all issues in dispute and the party's position on each issue. The proposed decision or brief must be served on the Arbitrator and all other parties and contain proof of service. The proposed decision shall be written in the same manner and form as that which is required under subsection b).

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b) After the closing of proofs the Arbitrator will issued a written decision which shall include:

- 1)a) the Commission number of the case, the names of the parties, and the name of the county in which the case was heard;
- 2)b) the issues agreed to and in dispute as stipulated to by parties;
- 3)c) the Arbitrator's findings of fact and conclusions of law separately stated, upon each contested issue;
- 4)d) applicable orders resulting from the findings of fact and conclusions of law;
- 5)e) a statement of the requirements for filing a decision pursuant to 50 Ill. Administrative Code 7040.10(a) and (b).
- 6)f) where applicable, a statement of the rate of interest due under Section 19(n) of The Workers' Compensation Act, (Ill. Rev. Stat. 1983 1989, ch. 48, par. 138.19(n))

(Source: Amended at 15 Ill. Reg. 8214, effective May 17, 1991.)

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- 1) The Heading of the Part: Pre-Arbitration
- 2) Code Citation: 50 Ill. Adm. Code 7020
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
7020.10	Amendment
7020.20	Amendment
7020.30	Amendment
7020.40	Amendment
7020.50	Amendment
7020.60	Amendment
7020.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1989, ch. 48, par. 138.16)
- 5) Effective Date of Adopted Amendments: May 17, 1991
- 6) Does this Rulemaking Contain An Automatic Repeal Date? No
- 7) Do these Adopted Amendments Contain Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: May 17, 1991
- 9) Notice of Proposal Published in Illinois Register: November 16, 1990 (14 Ill. Reg. 18441)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:

The Commission made technical and grammatical changes to the rules.

In 7020.10(c) deleted all of the second sentence.

In 7020.20(a) line 3, deleted the word "petitioner" and added the words "The filing party".

In 7020.20(a) line 5, deleted "the Respondent or its designated agent" and added "all opposing parties".

In 7020.20(d) line 3, deleted the word "Respondent" and added the words "opposing party".

- In 7020.20(d) line 4, deleted the word "Petitioner" and added the words "filing party".
- In 7020.20(d) line 6, deleted the word "Petitioner" and added the words "filing party".
- In 7020.20(d) line 7, deleted the word "Respondent" and added the words "opposing party".
- In 7020.20(d) line 8, deleted the word "Petitioner" at the end of the second sentence and added the words "filing party". In line 8 deleted the word "petitioner" at the beginning of the next sentence and added the words "filing party".
- In 7020.20(e) line 6, deleted the word "Petitioner" and added the words "the filing party".
- In 7020.20(e) line 8, deleted the word "Respondent" and added the words "opposing party".
- In 7020.30 line 2, deleted "and affidavit."
- In 7020.40(b) line 1, added the word "agreed" after the word "other" and added the words "at the status call" at the end of the sentence.
- In 7020.60(a) line 2, deleted the word "first" and added the word "initial".
- In 7020.60(a) line 6, deleted "2" and added "3".
- In 7020.60(a) line 8, deleted "has been continued in accordance with Section 7030.20(f),".
- In 7020.60(b)(2)(B)(ii) after the word "Act" added "or permanent total disability benefits under Section 8 of the Act".
- In 7020.60(b)(2) deleted all of proposed paragraph (C).
- In 7020.60(b)(2)(C)(ii) line 6, after the word "prosecution" added ", except upon a showing of good cause."
- In 7020.60(b)(2)(C)(iii) line 8, deleted the word "shall" and added the word "may".

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In lettering of 7020.60(b)(2)(D) changed "D" to "C". In subsection (i) deleted the first sentence and replaced it with the following sentences: "In all cases which have been on file at the Industrial Commission for 3 years or more, the parties or their attorneys must be present at each status call on which the case appears. The case will be set for trial unless a written request has been made to continue the case for good cause. Such request shall be made part of the case file."

Added the following sentence at the end of subsection i): "The parties must appear at the status call even if there is no objection to the continuance."

In lettering of 7020.60(b)(2)(E) changed "E" to "D".

In 7020.60(c)(1) line 3, after the word "party" added ", if unrepresented,".

In 7020.70(a)(1)(B) line 9, changed "(E)" to "(D)".

In 7020.70(a)(2) deleted "A" in lettering of last paragraph.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments:

Certain pre-arbitration and arbitration procedures implemented by the Industrial Commission were invalidated by the Illinois Appellate Court in *Berrios v. Ray J. Rybacki, et al*, 190 Ill. App. 3d 388 (1989), for the reason that the Commission failed to promulgate the procedures in accordance with the Administrative Procedure Act. On remand from the Appellate Court, the Circuit Court of Cook County ordered the Commission to consider amendments to its pre-arbitration and arbitration procedures in accordance with the Administrative Procedure Act (87 CH 11027). The Commission has considered these procedures and adopts amendments to Part 7020 as described below.

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Section 7020.10(c) is added and provides that all documents presented for filing Monday through Friday, except legal holidays, during the hours of 8:30 a.m. and 5:00 p.m. shall be filed and time-stamped by the Commission.

Section 7020.30 deletes the requirement that an Affidavit denying solicitation of employment be filed by any attorney representing a party.

Section 7020.40 provides that persons other than licensed attorneys shall be allowed to appear on routine matters at the status call. The language "within the discretion of the hearing officer" has been deleted.

Section 7020.60(b) provides that each Arbitrator, subject to his or her availability, shall hold a monthly status call of cases on the docket that month and sets forth procedures regarding how the monthly status call is to be conducted. Cases are continued for 3 month intervals, or at other intervals upon notice by the Commission, until they have been on file for 3 years at which time the parties must be present at the status call. Any request for a continuance in cases 3 years or older or any objections thereto must be made in writing to the Arbitrator prior to the status call. The Arbitrator will rule on such requests for continuances or objections at the status call. Failure of the Petitioner or his attorney to request a continuance and to appear at the status call shall result in the case being dismissed for want of prosecution, except upon a showing of good cause. Failure of the Petitioner to appear on the trial date in a case 3 years or older without good cause shall result in dismissal of the case for want of prosecution. Failure of the Respondent to appear on the trial date without good cause may result in an ex parte hearing on the merits of the claim.

Requests for a trial date may be made only when the case appears on the monthly call unless a Petition under Section 19(b) has been filed, death or permanent total disability benefits are claimed or the case involves special circumstances which the Arbitrator decides warrants advancing the case for trial.

Section 7020.70 sets forth the motion practice and provides that all motions must be served on the Arbitrator or Commissioner as well as all other parties and must include the type of motion and nature of the relief sought. The procedure regarding motion call books has been deleted. The provision relating to Commissioners motion call books in Cook County has been deleted and motions throughout the State are heard at the hearing location on the days designated by the Commission.

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In Section 7020.70(b) the time required for personal service of notice of motion is changed from 48 hours to 3 days preceding the status call date set forth in the motion. The time required for service of notice of motion by mail is changed from 3 days to 5 days preceding the status call date. These time periods are exclusive of any intervening Saturday, Sunday or legal holiday. Service regarding a motion for immediate hearing under Section 19(b) or a motion requesting a trial date must be served 15 days preceding the status call day set forth in the notice.

Section 7020.70(c) provides that when a cause is pending on review, but not yet assigned to a specific Commissioner, motions shall be assigned to a sitting Commissioner. The provision providing that such motions shall be "heard by the Chairman or other Commissioner sitting in his stead" has been deleted.

16) Information And Questions Regarding These Adopted Amendments Shall Be Directed To:

Kathryn A. Kelley
Counsel
Illinois Industrial Commission
100 West Randolph
Suite 8-272
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(312)814-6559

The full text of the Adopted Amendments begins on the next page:

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER II: INDUSTRIAL COMMISSION

PART 7020
PRE-ARBITRATION

Section
7020.10
7020.20
7020.30

7020.40
7020.50
7020.60

7020.70
7020.80
7020.90
7020.100

Docketing and Numbering of Cases
Application for Adjustment of Claim
Memorandum of Names and Addresses for Service of Notice and Attorneys' Appearance and Affidavit
Who may Appear-Unauthorized Practice
Hearing: Place; Notice: Change of Venue
Continuances on Arbitration, Notices, Dismissal-for-Want-of Prosecution Monthly Status Call, Voluntary Dismissal
Motion Practice, General
Petitions for Immediate Hearing
Petitions to Reinstate
Medical Examinations

AUTHORITY: Implementing and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1989, ch. 48, par. 138.16).

SOURCE: Filed and effective March 1, 1977; amended at 2 Ill. Reg. 49, p. 244, effective December 7, 1978; amended at 3 Ill. Reg. 4, p. 13, effective January 21, 1979; amended at 4 Ill. Reg. 26, p. 59, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 41, effective September 25, 1980 for a maximum of 150 days; amended at 5 Ill. Reg. 5530, effective May 12, 1981; emergency rule at 6 Ill. Reg. 5820, effective May 1, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 1, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2345; emergency amendment at 8 Ill. Reg. 5986, effective August 16, 1984 for a maximum of 150 days; amended at 9 Ill. Reg. 16238, effective October 15, 1985; emergency amendment at 9 Ill. Reg. 19129, effective November 20, 1985; for a maximum of 150 days; amended at 10 Ill. Reg. 8096, effective May 5, 1986; amended at 15 Ill. Reg. 8221, effective May 17, 1991.

Section 7020.10 Docketing and Numbering of Cases

- a) All cases brought before the Illinois Industrial Commission shall be docketed, time-stamped and given a letter and number corresponding to either the Workers' Compensation Act (Ill. Rev. Stat. 1989, ch. 48, pars. 138.1 et seq.) or Occupational Diseases Act (Ill. Rev. Stat. 1983, ch. 48, pars. 172.36 et seq.) under which benefits are claimed and the year of filing. All subsequent pleadings or correspondence must should refer to this letter and number.

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- b) All documents filed with the Industrial Commission including, but not limited to, Applications for Adjustment of Claim, Attorneys' Appearances, Motions and Petitions for Review, shall be served on all parties and shall have a certificate of service setting forth the time and manner of such service. A copy of all correspondence addressed to the Commission with respect to a pending matter shall be sent to all parties at the time it is sent to the Commission; all such correspondence shall list the parties to whom copies have been sent.

- c) The Industrial Commission shall file and time stamp all documents presented for filing Monday through Friday 8:30 a.m. to 5:00 p.m., except legal holidays.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

Section 7020.20 Application for Adjustment of Claim

- a) Applications for Adjustment of Claim with a certificate setting forth the date of service shall be filed in triplicate on an appropriate form provided by the Commission. Petitioner The filing party shall deliver serve one copy of the Application which has been filed to on the Respondent all opposing parties.
- b) An application for Adjustment of Claim must be limited to one accident or claim. After an Application has been filed with the Commission, any other Applications for Adjustment of Claim covering that accident, but naming a different employer, shall be assigned the same docket number as the original Application. Nothing herein shall bar the filing of an Amended Application for Adjustment of Claim.
- c) Applications for Adjustment of Claim should be completed in full and must provide a description of how the accident occurred, the part of the body injured, the geographical location of the accident for purposes of establishing venue, and a description of how notice of the accident was given or acquired by the Respondent.
- d) Once an Application for Adjustment of Claim is filed, the Illinois Industrial Commission will send the information on the Application on a Notice of Hearing to the Respondent opposing party at the address supplied by the Petitioner filing party. If the Notice is returned to the Industrial Commission because the Petitioner filing party has supplied the wrong address for the Respondent opposing party, the Industrial Commission will shall so inform the Petitioner filing party. The Petitioner filing

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party has the obligation of providing the Industrial Commission with the proper address so Notice can be sent to the Respondent opposing party.

- e) Applications for Adjustment of Claim may be amended prior to a hearing on the merits by filing an Amended Application for Adjustment of Claim under the letter and number given the original Application for Adjustment of Claim. The Amended Application for Adjustment of Claim must be clearly labeled "Amended" and must have attached to it proof that Petitioner the filing party has served a copy of the Amended Application for Adjustment of Claim on the Respondent opposing party in the manner set forth in Section 7020.70.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

Section 7020.30 Memorandum of Names and Addresses for Service of Notice and Attorneys' Appearance and Affidavit:

- a) Each party, upon instituting or responding to any proceedings before the Commission, shall file with the Commission his address, or the names and addresses of any agent upon whom notices shall be reserved served either personally or by regular mail, addressed to such party or agent at the last address so filed with the Commission.
- b) An Appearance, on forms provided by the Commission, shall be filed by any attorney or law firm representing either any party in any proceedings before the Commission. Attorneys or law firms shall also file, on forms provided by the Commission, an Affidavit denying solicitation of employment. No party or insurance carrier may file an Appearance or Affidavit on behalf of an attorney or law firm. No attorney or law firm will be recognized in any case before the Commission unless he or they have duly entered their written Appearance and executed his or their Affidavit of non-solicitation. When an Appearance has been duly filed by a law firm, any attorney member of that firm may appear and be recognized by the Commission.
- c) Appearances filed by Petitioner's attorney shall be accompanied by an "Attorney Representation Agreement," on a form prescribed by the Commission, completely filled out and signed by Petitioner and attorney.
- c) Once an Appearance has been filed, Leave to Withdraw can only be had upon written order of the Commission or a duly designated Arbitrator thereof following appropriate notice to the client and

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the opposing side. Substitution of Counsel may be had by filing with the Commission and serving on the opposing party a notification of the substitution, signed by the attorney of record, the substituted attorney and the client.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

Section 7020.40 Who May Appear-Unauthorized Practice

- a) Only attorneys licensed to practice in the State of Illinois may appear on behalf of parties to litigation before the Industrial Commission. This specifically includes presentation of Settlement Contracts and Lump Sum Petitions. Attorneys licensed to practice in states other than Illinois may appear with leave of the Commission.

- b) For routine matters such as agreed continuances or other agreed ministerial acts, persons other than licensed attorneys shall be permitted to appear on behalf of a party within the discretion of the hearing officer at the status call.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

Section 7020.50 Hearing: Place; Notice: Change of Venue

- a) Except to the extent modified by Section 7020.80 in reference to proceedings under Section 19(b-1) of the Workers' Compensation Act (Ill. Rev. Stat. 1983 1989, ch. 48, par. 138.19(b-1)), of the following provisions shall apply:

- b) Upon receipt of an Application for Adjustment of Claim the Commission will shall fix a date and place for hearing and a date for initial status before an Arbitrator of the Commission in accordance with the applicable Act. The place designated shall be a hearing site located in or nearest geographically to the vicinity in which the alleged accident or exposure occurred. Where the accident occurred outside of Illinois and the applicant resides in Illinois, the case shall be set at the hearing site geographically nearest to where the applicant resides. Where the accident occurs out-of-state outside of Illinois and the applicant resides out-of-state outside of Illinois then the case shall be set at the hearing site most convenient to the parties. Designation of a hearing site other than as provided above may not be had except upon showing to the Commission of extreme hardship worked upon a party or parties by the designated site, or by agreement of the parties.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

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Section 7020.60 Continuances on Arbitration, Notices, Dismissal-for-Want-of Prosecution Monthly Status Calls, Voluntary Dismissal

a) Continuances on Arbitration: Notices

- a) Each Arbitrator will hold a monthly call of cases assigned to that Arbitrator and which have been on file at the Illinois Industrial Commission for 3 years or more. Parties in such cases are expected to appear at all settings on arbitration either in person or through their lawyers. Failure of the Petitioner to appear shall result in the cause being dismissed for want of prosecution; failure of the Respondent to appear shall result in an ex parte hearing on the merits of the Petitioner's claim.

- b) Written notices will be sent to the parties for the first initial status call setting on arbitration only. Thereafter, cases will be continued periodically for 3 month intervals, or at other intervals upon notice by the Commission, until the case has been on file at the Industrial Commission for 3 years (see Section 7020.60(a)), has been set for trial pursuant to Section 50-iii-Adm-Code 7030.9020(a), Arbitration or otherwise disposed of. The parties must obtain any continued hearing status call dates from the Industrial Commission records.

b) Monthly Status Calls

- 1) Each Arbitrator, subject to his or her availability, shall hold a monthly status call of cases which appear on the Arbitrator's docket that month.

- A) In Cook County, each Arbitrator's monthly status call shall be held at 2:00 p.m. on a date and place designated by the Commission.

- B) In areas outside of Cook County, each Arbitrator's monthly status call shall be held at 9:00 a.m. on a date and place designated by the Commission.

- 2) The monthly status call shall be conducted by the Arbitrator as follows:

- A) Cases shall be called in the order that they appear on the monthly status call.

- B) Cases will be continued in accordance with subsection a) above unless a request for a trial date is made in

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accordance with Section 7030.20. A request for a trial date may be made in a case which does not appear on the monthly status call if:

- i) a Petition under Section 19(b) of the Act has been filed in accordance with Section 7020.80(a);
- ii) death benefits under Section 7 of the Act or permanent total disability benefits under Section 8 of the Act are claimed; or
- iii) special circumstances exist which in the opinion of the Arbitrator would warrant advancing the case for trial. The moving party must set forth in his motion the basis of the claimed special circumstance.

Motions for trial dates under subsections i), ii) and iii) above shall be presented at the conclusion of the status call.

C) Cases on file 3 or more years

- i) In all cases which have been on file at the Industrial Commission for three years or more, the parties or their attorneys must be present at each status call on which the case appears. The case will be set for trial unless a written request has been made to continue the case for good cause. Such request shall be made part of the case file. The written request must be received by the Arbitrator at least fifteen days in advance of the status call date and contain proof of service showing that the request for a continuance was served on all other parties to the case and/or their attorneys. Any objection to a continuance in such case must be received by the Arbitrator at least seven days prior to the status call date and contain a similar proof of service. The Arbitrator shall rule on such requests for continuances or objections thereto at the status call. The parties must appear at the status call even if there is no objection to the continuance.

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- ii) Failure of the Petitioner or the Petitioner's attorney to request or answer a request for a continuance in accordance with subsection i) above and to appear at the monthly status call on which the case appears shall result in the case being dismissed for want of prosecution, except upon a showing of good cause.

- iii) Where the Arbitrator has set the matter for trial, the case shall proceed on the date set by the Arbitrator. Failure of the Petitioner to appear without good cause on the trial date shall result in dismissal of the case for want of prosecution. Failure of the Respondent to appear without good cause on the trial date may result in an ex parte hearing on the merits of the claim.

D) Section 19(b-1) pretrials, motions, pro se settlement contracts

- i) In Cook County, each Arbitrator will hear motions and conduct pre-trial hearings on Petitions filed under Section 19(b-1) of the Act beginning at 8:45 a.m. on the monthly status call date. The Arbitrator shall hear other motions at the conclusion of the monthly status call. Pro se settlements may be presented on the morning of any monthly status call or on days designated by the Arbitrator.
- ii) In all areas outside of Cook County, the Arbitrator will hear motions and conduct pre-trial hearings on Petitions filed under Section 19(b-1) of the Act, and hear other motions, at the conclusion of the monthly status call. Pro se settlement contracts may be presented at the conclusion of any monthly status call or on days designated by the Arbitrator.

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c) Voluntary Dismissals

- 1) A party may voluntarily dismiss his or her claim or any petition or motion filed on his or her behalf upon motion signed by the party, if unrepresented, or his or her attorney of record.
- 2) A party may file a motion to dismiss his or her claim or any petition or motion filed on his or her behalf without the signature of his attorney of record. The moving party must serve said motion on his or her attorney and the opposing party, in the manner set forth in Section 7020.20(a), and set the motion for hearing as set forth in Section 7020.70. In such cases, there shall be no disposition of the claim on its merits prior to the disposition of said motion.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

Section 7020.70 Motion Practice, General

a) Form of Motions

All motions, except motions made during an Arbitration or Review hearing, motions for a continuance of cases in the regular review call, and petitions filed under Section 19(h) and/or Section 8(a), must be accompanied by an Industrial Commission form entitled Notice of Motion and Order and must be served on the Arbitrator or Commissioner and all other parties in accordance with subsection b). All such motions must set forth the date on which the moving party will appear before the Arbitrator or Commissioner and present his the motion and must include the type of motion and nature of the relief sought.

1) Arbitrators' Motion-Calls Motions on Arbitration

- A) Motions requesting a trial date will be heard during the status call in accordance with Section 7020.60(b)(2). In-Cook-County-Cases-the-moving-party must-record-his-motion-in-the-Arbitrator's-Motion-Call-book-at-least-24-hours-before-the-motion-is-set-to-be-heard:--The-moving-party-must-set-forth

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- (i) the case-number;
- (ii) the-name-of-the-lawyer-of-the-moving-party-or-of-the-moving-party-if-he-is-not-represented-by-a-lawyer;
- (iii) the-name-of-the-opposing-party's-lawyer-or-of-the-opposing-party-if-the-opposing-party-is-not-represented-by-a-lawyer-or-the-lawyer-is-not-known-to-the-moving-party;-and
- (iv) the-type-of-motion;

- B) All-the-Arbitrators'-Motion-Call-books-will-be-kept-at-the-Industrial-Commission-in-a-central-location;-easily-accessible:--the-Industrial-Commission-will-limit-the-number-of-motions-that-may-be-set-on-any-day-before-an-Arbitrator-in-Cook-County:--A-party-may-not-set-a-motion-on-a-day-on-which-the-Arbitrator's-Motion-Call-is-already-filled: All other motions will be heard in accordance with Section 7020.60(b)(2)(D). Each arbitrator will hear all motions, other than motions requesting a date certain for trial, on any case assigned to the Arbitrator, even if it does not appear on the status call.

- C) in-cases-arising-outside-of-Cook-County;-each-Arbitrator-will-hear-motions-at-the-hearing-location-on-the-days-designated-by-the-Arbitrator:

2) Commissioners' Review Calls

- A) In-Cook-County-cases-the-moving-party-must-record-his-motion-in-the-Commissioner's-Motion-Call-book-at-least-24-hours-before-the-motion-is-set-to-be-heard:-the-moving-party-must-set-forth

- (i) the case-number;

- (ii) the-name-of-the-lawyer-of-the-moving-party-or-of-the-opposing-party-if-he-is-not-represented-by-a-lawyer;

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iii) ~~the name of the opposing party's lawyer or of the opposing party if the opposing party is not represented by a lawyer or the lawyer is not known to the moving party; and~~

iv) ~~the type of motion.~~

B) ~~All the Commissioners' Motion Call books will be kept at the Industrial Commission in a central location easily accessible. The Industrial Commission will limit the number of motions that may be set on any day before the Commissioner in Cook County. A party may not set a motion on a day on which the Commissioner's Motion Call is already filled.~~

C) ~~In cases arising outside of Cook County, each Commissioner will hear motions at the hearing location on the days designated by the Commission.~~

b) Notice; Service of Papers; Proof of Service; and Waiver of Notice.

1)

A) For all motions except Petitions for Immediate Hearing and motions requesting a date for trial, notices of motion shall be in writing and shall be served upon the Arbitrator or Commissioner and the attorney of record of the opposite party all other parties or, where the opposite any other party is not represented by counsel, upon the party himself, by personal or office delivery or by mailing of a copy of the notice with copies of the supporting papers. Such service, if by personal or office delivery, shall be effected 48 hours 3 days preceding the day of the hearing status call mentioned set forth in the notice, exclusive of any intervening Saturday, Sunday or legal holiday. If service is had by mail, then the envelope enclosing a copy of the notice and supporting papers shall be deposited in the post office or post office box at least 72 hours 5 days before the motion is to be heard, exclusive of any intervening Saturday, Sunday or legal holiday.

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B) Motions for an immediate hearing under Section 19(b) of the Act and motions requesting a date for trial shall be served on the Arbitrator and on the opposing party all other parties 15 days preceding the hearing status call day set forth in the notice.

C) Proof of service of notices or other papers shall be affixed:

i) in any case be written acceptance of service;

ii) in case of service by delivery, by affidavit of the person delivering or leaving the papers, and,

iii) in case of service by mail, by affidavit of the person depositing the papers in the mail, which affidavit shall state the time and place of mailing, the complete address which appeared on the envelope and the fact that proper postage was prepaid.

D) Where the opposite party has not appeared within time fixed by rule, or has appeared, but failed to designate a place for service, service may be directed to his last known business or residence address.

2) Parties may waive the requirements of notice, service and proof of service. Moreover, in the case of any motion, the hearing officer retains the power to enlarge or reduce the time of notice prescribed in paragraph (b)(1)(A) of this part.

c) Who Shall Hear Motions

1) When a cause is pending on the arbitration call, all motions and settlement contracts, except where expressly otherwise provided in the Rules of the Commission, shall be heard by the Arbitrator to whom the case has been assigned. If said Arbitrator is unavailable, the Commission may assign the motion or settlement contract to another Arbitrator for disposition.

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- 2) When a cause is pending on the review call, but not yet assigned to a specific Commissioner, all motions shall be heard by the Chairman or other Commissioner sitting in his stead assigned to a sitting Commissioner. Once the cause has been assigned to a particular Commissioner for hearing, that Commissioner shall hear all motions relative to the case.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991.)

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- 1) Heading of the Part: Funeral Directors and Embalmers Act
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3) Section Numbers: Adopted Action:
- | | |
|----------|-------------|
| 1250.110 | Amendment |
| 1250.120 | Amendment |
| 1250.130 | Amendment |
| 1250.135 | New Section |
| 1250.140 | Amendment |
| 1250.150 | Amendment |
| 1250.155 | New Section |
| 1250.160 | Amendment |
| 1250.170 | Amendment |
| 1250.190 | Repeal |
| 1250.200 | Amendment |
| 1250.205 | Amendment |
| 1250.210 | Amendment |
| 1250.220 | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, par. 2800 et seq.
- 5) Effective Date of Amendments: May 16, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 29, 1991
- 9) Date Notice of Proposal Published in Illinois Register: February 8, 1991 at 15 Ill. Reg. 1691
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
- In Sections 1250.110 and 1250.120, "Associate's Degree in Mortuary Science" was changed to lower case.
- Added " in writing," after "applicant" in 1250.120(b) and 1250.135(b), and after "him" in 1250.150(b).
- Changed "may" to "shall" in Section 1250.200(e), 1250.220(c)(6) and (c)(10).

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Deleted "pursuant to Section 2A-4 of the Act" from Section 1250.120(d).

In Section 1250.130(e), struck "this" and added "the" after "in" and added "of Illinois" after "State."

Added "funeral directing and embalming" after "recognized" in Sections 1250.220(b)(2)(A) and 1250.220(b)(2)(B).

Added "be" after "otherwise" in Section 1250.220(c)(6).

Deleted "should be" and added "is" in Section 1250.220(c)(9).

In Section 1250.160(a)(1) and (c)(1), changed the second sentence to: "When restoring a license from inactive status, a person does not have lapsed renewal fees to pay."

Section 1250.220(b)(2)(A) was changed to: "Personal preparation of an educational presentation pertaining to funeral directing and/or embalming which is orally delivered before recognized organizations."

In Section 1250.130(d), the comma was removed between "Section" and "and."

In Section 1250.130(a)((3), "; and" was added after "autopsied."

Items under Sections 1250.140(1) and 1250.140(2) were changed to A through F and A through G, respectively, instead of Roman numerals.

In Sections 1250.150(a)(1)(C) and 1250.150(a)(3)(C), ";" was changed to a period at the end.

In Section 1250.160(a)(2), added " " after "above."

In Section 1250.170(d), replaced "Funeral Directors and Embalmers Act of 1935 and Rules" with "Act and this Part."

In Section 1250.205(c), "registrant" was changed to "licensee."

In Section 1250.205(d)(4), an "s" was added to "product."

In Section 1250.220(b)(4), "funeral director and" was inserted between "or" and "embalmer."

In Section 1250.220(b)(5), "1" was replaced by "One" at the beginning of the last two sentences.

In Section 1250.220(b)(7), "Subsection" was changed to lower case.

In Section 1250.220(c)(9), "section" was changed to upper case.

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12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements P.A. 86-509, which amended the Funeral Directors and Embalmers Licensing Act of 1935. It provides for combined licensure for funeral directors and embalmers and contains requirements for continuing education.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1250
FUNERAL DIRECTORS AND EMBALMERS ACT

Section

1250.110 Approved Programs of Mortuary Science
 1250.120 Application for Traineeship
 1250.130 Requirements of Traineeship
 1250.135 Application for Licensure
 Examination
 1250.140
 1250.150 Reciprocity
 1250.155 Inactive Status
 1250.160 Restoration
 1250.170 Requirements for a Preparation Room
 Violations (Repealed)
 1250.190 Renewals
 1250.200 Advertising
 1250.205 Granting Variances
 1250.210 Continuing Education
 1250.220

AUTHORITY: Implementing The Funeral Directors and Embalmers Licensing Act of 1935 (Ill. Rev. Stat. 1989, ch. 111, par. 2800 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; repealed and new rules adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991.

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Section 1250.110 Approved Programs of Mortuary Science

- a) The Department of Professional Regulation (the "Department") shall approve a program of mortuary science as reputable and in good standing if it meets the following minimum criteria:
- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to provide courses in mortuary science.
 - 2) Has a faculty which comprises a sufficient number of full-time and part-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area(s) of teaching as evidenced by appropriate degrees from recognized professional colleges or institutions;
 - 3) Has one of the following:
 - A) Has a course of study of at least 12 months ~~one-extended-year~~ with at least the following curriculum:
 - Anatomy
 - Restorative Art
 - Microbiology
 - Embalming
 - Sociology
 - Psychology
 - B) A course of study of ~~at least 21 months~~ resulting in an Associate's Degree in ~~Mortuary Science~~ or an equivalent associate's degree (i.e. applied science), consisting of courses in liberal arts and sciences as well as the curriculum described in subsection (a)(3)(A), above.
 - C) A course of study resulting in a baccalaureate degree in mortuary science.
 - 4) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the American Board of Funeral Service Education, Inc.
- c) The Department has determined that all mortuary science programs accredited by the American Board of Funeral Service Education, Inc. as of ~~January 1, 1984~~ January 1, 1990 meet the minimum criteria set forth in subsection (a), above and are, therefore, approved.

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d) Program Evaluation

- 1) An applicant from a program of mortuary science that has not been evaluated shall be requested by the Department to provide documentation concerning the criteria in this Section.
- 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Department will evaluate the program based on all documentation received from the school and any additional information the Department has received which it deems to be reliable.

e) Withdrawal of Approval

- 1) The Director of the Department (the "Director") may withdraw, suspend or place on probation the approval of a program of mortuary science when the quality of the program has been materially affected by any of the following causes:
 - A) Gross or repeated violations of any provision of the Illinois Funeral Directors and Embalmers Act (the "Act") (Ill. Rev. Stat. 1989, par. 2800 et seq., as amended by Public Act 86-596, effective January 1, 1990);
 - B) Gross or repeated violations of any of these Rules;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the program of mortuary science; or
 - D) Failure to continue to meet the established criteria for an approved program as set out in this Section.
- 2) The officials in charge of a program whose approval is being reconsidered by the Department shall be given written notice prior to any action by the Department and such officials may either submit written comments or request a hearing before the Department in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.120 Application for Traineeship

- a) An applicant for a ~~certificate of registration~~ license as a funeral director and ~~trainee or an~~ embalmer trainee shall file an application on forms supplied by the Department. The application shall include:

- 1) ~~A recent photograph not larger than 2-1/2 by 2-1/2 inches;~~

- 2) 1) Either:

- A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 1 ~~calendar year~~ 12 months in an approved program of mortuary science; ~~or~~

- B) Certification of graduation with an Associate's Degree in Mortuary Science or an equivalent associate's degree (i.e. applied science) from an approved program of mortuary science; ~~or~~

- C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.

- 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;

- 4) ~~An affidavit~~ Certification of acceptance, completed and signed by a ~~registered~~ licensed funeral director ~~or~~ and embalmer whose license is active and in good standing, ~~as the case may be~~, stating that the applicant will be studying and training under his supervision; ~~and~~

- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and

- 5) The required fee set forth in Section 3-12 of the Act.

- b) Upon receipt of the above documents and review of the application, the Department shall issue a funeral director and embalmer trainee license or notify the applicant, in writing, of the reason for the denial of his application. ~~When the Department has received a completed application, the applicant will be issued a trainee license for the appropriate traineeship.~~

- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

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- d) Effective June 1, 1991, all qualified applicants will be issued a funeral director and embalmer trainee license.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.130 Requirements for Traineeship

- a) A ~~registered~~ licensed funeral director and embalmer ~~or registered embalmer~~ who agrees to sponsor a trainee shall be responsible for teaching the trainee the practical aspects of his profession, for demonstrating actual procedures, and for directing and supervising the procedures done by the trainee.

- b) The trainee shall be given primary responsibility for:

1) ~~in the case of a funeral director-trainee,~~

- A) 1) ~~Assisting or participating in the arrangement of at least 24 funerals, including completing the necessary paperwork; and~~

- B) 2) ~~Assisting in the arrangement of a selection room, including buying, pricing, providing a description of each casket and other pertinent information;~~

- 2) 3) ~~In the case of an embalmer-trainee~~ Assisting in the preparation and embalming of at least 24 deceased human bodies, including cosmetic application, and dressing and casketing. If possible, at least one of the bodies should have been autopsied; and

- 4) Making removals of deceased human bodies.

- c) The trainee shall submit to the Department, on forms provided by the Department, a case report for each of the 24 funerals ~~or~~ and 24 body preparations which are required in accordance with subsection (b) above.

- 1) Twelve ~~six~~ case reports shall be submitted every 3 ~~three~~ months during the year of the apprenticeship.

- 2) If the trainee has not completed a total of 12 ~~six~~ cases in the 3-~~three~~ month period, he shall submit the case reports for the cases completed and state the reason(s) why he was unable to complete all 12 ~~six~~ cases (e.g. lack of available cases, illness, change of ownership).

- 3) All case reports shall be signed by the trainee and the sponsor.

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- d) The Department shall have the authority to investigate to determine compliance with this Section and to question the sponsor and the trainee to determine whether the trainee has been properly instructed and has performed the required procedures.

- e) A trainee may serve his training period under more than one ~~registered~~ licensed funeral director and embalmer ~~or funeral director in the State of Illinois~~. A change of employment application must be requested and properly executed, then returned to the Department within one month following the date of change of sponsorship.

- f) Upon completion of the required year of traineeship, the sponsor shall complete an affidavit, on forms supplied by the Department, stating that the trainee has satisfactorily completed the appropriate procedures under his direction and supervision.

- g) Trainees shall ~~must~~ satisfactorily complete the prescribed one year of training as evidenced by the documentation required by subsection (c), and pass the National Board examination prior to licensure. For the purpose of determining completion of the prescribed one year of traineeship, the traineeship shall commence on the date of the issuance of the trainee ~~license~~ certificate.

- h) If the ~~certificate of registration~~ license of a ~~registered~~ funeral director ~~trainee~~ ~~or~~ and embalmer trainee cannot be renewed in accordance with Section 15 of Article III of the Act and the trainee has not yet received his year of traineeship, he may reapply to the Department of Professional Regulation ~~(the "Department") under the Funeral Directors and Embalmers Licensing Act of 1995 (Ill. Rev. Stat. 1987, ch. 111, par. 2800 et seq.) (the "Act") under the Act and Rules in effect at the time of his reapplication. No credit will be allowed for any examinations he may have previously passed or for any traineeship he may have previously earned.~~

- i) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.135 Application for Licensure

- a) An applicant for a license as a funeral director and embalmer, pursuant to Section 2A-3 of the Act, shall file an application on forms supplied by the Department. The application shall include the following:

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- 1) Certification of completion of traineeship signed by the licensed funeral director and embalmer under whose supervision the traineeship was performed.
- 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.
- 3) Verification of successful completion of the National Conference Examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Department.
- 4) A complete work history since completion of an approved program as set forth in Section 1250.110.
- 5) Applicants not having been issued an Illinois funeral director and/or embalmer trainee license or who have been issued one which has been expired for more than 5 years shall submit the following:
 - A) Official transcripts showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science.
 - B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an equivalent associate's degree (i.e., applied science); or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.
- 6) The fee specified in Section 3-12 of the Act.
- b) Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of his application.

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- c) Beginning June 1, 1991, the Department shall not issue any new licenses as funeral directors or any new licenses for embalmers.
(Source: Added at 15 Ill. Reg. 8238, effective May 16, 1991)
- Section 1250.140 Examination
 - a) The examination shall be the National Board Examination of the Conference of Funeral Service Examiners written theoretical examination and shall be as follows:
 - 1) Part I (Funeral Service Science); ~~shall be required for candidates for registration as an Embalmer~~
 - A) Embalming
 - B) Restorative Art
 - C) Microbiology
 - D) Pathology
 - E) Chemistry
 - F) Anatomy
 - 2) Part II (Funeral Service Arts); ~~shall be required for candidates for registration as a funeral director~~
 - A) Sociology of Funeral Service
 - B) Psychology and Counseling
 - C) Funeral Directing and Professional Relationships
 - D) Business Law
 - E) Funeral Service Law
 - F) Funeral Merchandising
 - G) Accounting
 - 3) The Department shall ~~must~~ receive verification of the successful completion of the ~~required part(s) of the~~ National Board Examination administered by the National Conference of Funeral Service Examiners. Successful completion shall be an average score of 75% or greater with no score less than 70% on any one part ~~on the required part(s)~~. Verification shall ~~must~~ be received directly from the National Conference of Funeral Service Examiners.
 - 4) A score of 75% shall be required for each part retaken.
 - b) An examination fee shall ~~will~~ be required to be paid to the designated testing service for each the ~~second and each subsequent~~ examination or any part retaken.

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- (e) Successful completion of the appropriate part of the written-theoretical examination previously administered by the Department of the National Board examination within the past five (5) years prior to application is required of all applicants upon adoption of this Section. In the event an applicant who had successfully completed the National Board examination subsequently failed a written-theoretical examination conducted by the Department, successful completion of the National Board examination taken after the failure will be required.

- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.150 Reciprocity

- a) An applicant who is currently licensed as a funeral director ~~or~~ and embalmer ~~or both~~ under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Department together with:

- 11) A recent photograph not larger than 2-1/2 by 2-1/2 inches;

- 2- 1) Either:

- A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months ~~1-calendar-year~~ in an approved program of mortuary science. ~~or~~

- B) Certification of graduation with an Associate's Degree in Mortuary Science or an equivalent associate's degree (i.e. applied science) from an approved program of mortuary science; or

- C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.

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- 2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming ~~or funeral directing as the case may be~~, for a ~~period of~~ at least 1 year, completed by two persons with personal knowledge of such experience;
- 3) A certification by the state or territory of original and current licensure, stating:
 - A) The time during which the applicant was licensed in that state jurisdiction;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending; and
 - C) A brief description of the examination, the applicant's grades and a statement that such state grants reciprocity to funeral directors and ~~or~~ ~~embalmers, as the case may be~~, licensed in Illinois, ~~and~~
- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
- 5) The ~~required~~ fee set forth in Section 3-12 of the Act.

- 4 3) A certification by the state or territory of original and current licensure, stating:

- A) The time during which the applicant was licensed in that state jurisdiction;

- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending; and

- C) A brief description of the examination, the applicant's grades and a statement that such state grants reciprocity to funeral directors and ~~or~~ embalmers ~~as the case may be~~, licensed in Illinois, ~~and~~

- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and

- 5) ~~The required fee set forth in Section 3-12 of the Act.~~

- b) The Department shall examine each reciprocity application to determine whether the requirements for licensure ~~registration~~ in the jurisdiction state in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The Department shall ~~within a reasonable time~~ either issue a license ~~certificate of registration~~ by reciprocity to the applicant or notify him, in writing, of the reasons for the denial of his application.

(Source: Amended at 15 Ill. Reg. 8238 effective May 16, 1991)

Section 1250.155 Inactive Status

- a) Any licensed funeral director and embalmer or any licensed funeral director who notifies the Department in writing, on forms prescribed by the Department, may elect to place his license on inactive status and shall be excused from the payment of renewal fees until he notifies the Department in writing of his desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1250.160 of this Part.

- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1250.160 of this Part.

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- c) *Practice on a license which has lapsed or been placed in inactive status is practicing without a license and a violation of this Act (Section 2A-8 of the Act).*

(Source: Added at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.160 Restoration

A person seeking restoration of his license five years or more after it has expired shall file an application with the Department along with the required fee and shall be required to pass the appropriate part(s) of the National Conference Examination provided for under Section 1250.140.

- a) A licensee seeking restoration of his license after it has expired or been placed on inactive status for more than 5 years shall file an application on forms supplied by the Department together with the following:
- 1) The restoration fee(s) specified in Section 3-12 of the Act. When restoring a license from inactive status, a person does not have lapsed renewal fees to pay.
 - 2) Any licensee restoring his license after June 1, 1993, shall be required to submit proof of completion of the required number of continuing education (CE) hours for one prerenewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by approved sponsors of continuing education programs.
- b) In addition to satisfying the requirements of subsection (a) above, the licensee shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice.
- 2) An affidavit attesting to military service as provided in Sections 1-10 and 2A-8 of the Act. If application is made within two years of discharge, and if all other provisions of Sections 1-10 and 2A-8 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or

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- 3) Evidence of other education or experience acceptable to the Department of the licensee's fitness to have his license restored. Such evidence shall be reviewed on a case by case basis by the Board.
- c) A licensee seeking restoration of his license which has expired or been on inactive status for less than 5 years, or has been placed in nonrenewed status for failure to comply with CE requirements shall file an application on forms provided by the Department together with the following:

- 1) The restoration fee(s) specified in Section 3-12 of the Act. When restoring a license from inactive status, a person does not have lapsed renewal fees to pay.
- 2) Any licensee restoring his license after June 1, 1993, shall be required to submit proof of completion of the required number of CE hours for one prerenewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, the licensee seeking restoration of his license will be required to:

- 1) Provide such information as may be necessary; and/or
- 2) Explain such relevance or sufficiency during an interview; or
- 3) Appear for additional interview(s) before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board and approval by the Director, an applicant shall have his license restored.
- e) Persons to whom a funeral director license and embalmer license were issued prior to June 1, 1991, shall be required to reinstate both licenses. Persons to whom a funeral director license was issued prior to June 1, 1991, will be allowed to reinstate that license.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

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Section 1250.170 Requirements for a Preparation Room

- a) The care and preparation for burial of all deceased bodies, regardless of cause of demise, shall be entirely private and no one shall be allowed in the embalming or preparation room until the body is fully prepared and dressed, except ~~licensed~~ ~~registered~~ funeral directors~~(s)~~, ~~registered~~ licensed funeral directors and embalmers~~(s)~~, their licensed trainees, their assistants~~(s)~~, the medical examiner, the coroner, their representatives and representatives of the Department or except when it is determined to be necessary by the funeral director(s) or the medical examiner or the coroner.
- b) A notice of privacy shall be affixed to the preparation room or adjacent thereto.
- c) Preparation rooms shall be maintained in a sanitary condition with necessary drainage and proper ventilation in accordance with the provisions of the Act.
- d) Preparation rooms shall be made available to representatives of the Department for inspection to determine compliance with the ~~Funeral Directors and Embalmers Act of 1935 and Rules this Part.~~

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.190 Violations (Repealed)

~~It shall be a violation of this Part if a registrant either directly or indirectly engages in, or permits his agents, assistants, employees, or anyone acting on his behalf, to engage in any of the following acts:~~

- a) ~~Making false statement(s) on a Certificate of Death, where such person knew, or should have known that the statement was false.~~
- b) ~~Holding or refusing to release, for monetary purposes, custody of the remains of a deceased human body upon the proper request of the person or persons making the funeral arrangements and/or lawfully entitled to custody thereof.~~
- c) ~~Making any false or misleading statements about the laws concerning the disposal of human remains, including, but not limited to, the need to embalm, the need for a casket for cremation or the need for an outer burial vault.~~

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- d) ~~Encouraging, requesting or suggesting that a person utilize the services of a certain funeral director, embalmer, or funeral establishment, unless such information has been expressly requested by such person. This shall not prohibit general advertising or pre-need solicitation.~~
- e) ~~Soliciting human bodies, whether such solicitation occurs after death or while death is imminent.~~
- f) ~~Performing any act or practice which is a violation of the Act, or any federal, state or local laws, rules, or regulations governing the practice of funeral directing and/or embalming.~~
- g) ~~Performing any act or practice which is a violation of Section 2 of the Consumer Fraud and Deceptive Business Practices Act (Ill. Rev. Stat. 1987, ch. 121-1/2, par. 262).~~
- h) ~~Making false statements on any funeral director or embalmer trainee report where such registrant knew, or should have known that the statement was false.~~

(Source: Repealed at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.200 Renewals

- a) ~~Every license certificate of registration issued under the Act shall expire on May 31 of each odd numbered year. The holder of a license certificate of registration may renew such license certificate during the month preceding the expiration date thereof by paying the required fee.~~
- b) ~~Beginning with the 1993 renewal, all funeral director licensees and funeral director and embalmer licensees shall be required to comply with the continuing education requirements set forth in Section 1250.220 of this Part.~~
- b) ~~It is the responsibility of each licensee registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.~~
- d) ~~No license of a funeral director and embalmer trainee shall be renewed more than twice (Section 2A.8 of the Act).~~

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- e) Practicing or attempting to practice while a license is non-renewed shall be considered unlicensed practice and shall be grounds for discipline in accordance with Section 3-13 of the Act.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.205 Advertising

- a) Persons licensed to practice funeral directing ~~or~~ and embalming in the State of Illinois may advertise in any medium or other form of public communication in a manner which is truthful, and which is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Such advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of such communication shall be designed to communicate the information contained therein to the public in a direct, dignified and readily comprehensive manner.

- b) Information which may be contained in such advertising includes:

- 1) Licensee's Registrant's name, address, business hours, and telephone number;
- 2) Schools attended;
- 3) Announcement of the opening of, change of, or return to practice;
- 4) Announcement of additions to or deletions from professional staff;
- 5) Availability of pre-need arrangements;
- 6) Professional society memberships;
- 7) Credit arrangements;
- 8) Foreign language ability;
- 9) Fees for professional services and merchandise which must include a statement that fees may be adjusted due to unforeseen circumstances.
- 10) Description of the establishment in which the licensee registrant practices, e.g., accessibility to the handicapped, chapel facilities on the premises, convenience of parking; and,

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- 11) Other information about the licensee registrant, the licensee's registrant's practice, or the types of practice in which the registrant licensee will accept employment, which a reasonable person might regard as relevant in determining whether to seek the licensee's registrant's services.

- c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee registrant, and a recording of the actual transmission, including videotape, shall be retained by the licensee registrant for a period of at least five (5) years.

- d) Information which may be untruthful, fraudulent, deceptive, inherently misleading, or which has proven to be misleading in practice includes that which:

- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
- 2) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
- 3) Contains testimonials and/or exaggerations pertaining to the quality of funeral services;
- 4) Describes as available products or services which are not permitted by the laws of this State and/or applicable Federal laws; and,
- 5) Advertises professional services which the licensee registrant is not licensed to render.

- e) The solicitation of funeral services at the residence of a client or prospective client, or any health care institution in which the client or prospective client is confined, which is uninvited and which has not been previously agreed to by the client or prospective client is prohibited. A licensee, or his representative, may initiate contact with a client, or prospective client, in the following manner:

- 1) Through general advertising;
- 2) By direct mail;
- 3) By telephone; or

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- 4) ~~As~~ an invitee of a charitable, social, civic, religious, fraternal or employee or trade organization.
- f) A licensee or his representative shall not initiate contact with a client or prospective client if:
- 1) The licensee, or his representative, reasonably should know that the physical, emotional, or mental state of the person solicited is such that the person could not exercise reasonable judgement;
 - 2) The person solicited has made known a desire not to receive the communication; or
 - 3) The solicitation involves coercion, duress, or harassment.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.210 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance;
- 3) The rules from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the Board of ~~Examiners on Funeral Directing and Embalming~~ of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 15 Ill. Reg. 8238, effective May 16, 1991)

Section 1250.220 Continuing Education

- a) Continuing Education Hour Requirements

- 1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education ("CE") relevant to the practice of funeral directing and embalming during each prerenewal period. Of these 24 hours, 12 shall be obtained in CE activities relevant to funeral directing and the remaining 12 shall be obtained in activities relevant to embalming.

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- 2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing during each prerenewal period.
- 3) The Department shall conduct random audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
- 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license. All persons who held a funeral director and/or embalmer license prior to June 1, 1991, shall be required to comply with the CE requirement in order to renew their combined license in July 1993.
- 5) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

- b) Activities for which CE credit may be earned are as follows:

- 1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
- 2) A maximum of 3 hours for funeral directors or 6 hours for funeral directors and embalmers per prerenewal period for:
 - A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming which is orally delivered before recognized funeral directing and embalming organizations;
 - B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral directing and embalming journals;
 - C) Writing a chapter in a book pertaining to funeral directing or embalming; and
 - D) Completion of self-study courses taken through an accredited college or university or an approved sponsor.
- 3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course, and will only be allowed

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for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 3 hours for funeral directors or 6 hours for funeral directors and embalmers during any renewal period.

- 4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.

- 5) A maximum of 12 hours of CE credit shall be given for completed courses at an accredited college or university. One semester hour shall equal 4 clock hours. One quarter hour shall equal 3 clock hours.

- 6) A CE hour means a minimum of 50 minutes of actual clock time spent by a licensee in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour increments.

- 7) Credit will not be given for activities which are not included in subsection (b).

c) CE Sponsors and Programs

- 1) Sponsor, as used in this Section, pursuant to Section 2A-8 of the Act, shall mean the following:

- A) An accredited college or university;
- B) Illinois Funeral Directors Association;
- C) Funeral Directors Services Association of Greater Chicago;
- D) Cook County Association of Funeral Home Owners, Inc.;
- E) Illinois Selected Morticians;
- F) National Funeral Directors Association;
- G) National Foundation of Funeral Service;
- H) National Selected Morticians;
- I) An Illinois school of mortuary science; or

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- D) Any other school, college or university, State agency, or any other person, firm, or association which has been approved and authorized by the Department to coordinate and present CE courses and programs in conjunction with this Section.

- 2) A sponsor shall file a sponsor application which certifies the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) below and all other criteria in this Section;

- B) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(5); and

- C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance.

- 3) All courses and programs shall:

- A) Contain materials which contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to specifically focus on such advancement and enhancement of professional skills and knowledge and not merely relate to them in a general way;

- B) Specify the course objectives, course content and teaching methods to be used;

- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

- D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal;

- E) Designate in the following manner as to whether the course or program is specific to:

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- 6) Funeral directing (FD);
 ii) Embalming (E);
 iii) Funeral directing and/or embalming (FDE); and
 7) Include some mechanism whereby participants evaluate the overall quality and content of the program.

4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.

5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:

- A) The name and address of the sponsor;
 B) The name, address and license number of the participant;
 C) A brief statement of the subject matter;
 D) The number of CE hours awarded in each program;
 E) The course content designation;

- i) Funeral directing (FD);
 ii) Embalming (E);
 iii) Funeral directing and embalming (FDE);

- F) The date and place of the program; and
 G) The signature of the sponsor.

6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor such as mailing the certificate or summary of attendances at one or more qualifying educational events.

7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) above for not less than 5 years, except for the signature of the sponsor.

8) The sponsor shall be responsible for assuring that no participant shall receive CE credit for time not actually spent attending the program.

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9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Department shall thereafter refuse to accept for CE credit attendance at any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.

10) Notwithstanding any other provision of this Section, the Department or Board shall evaluate any sponsor of any continuing education program at any time.

11) The Department shall maintain a list of all approved continuing education sponsors.

d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on his renewal application, to full compliance with the CE requirements set forth in subsection (a), above.
 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Department's random audit.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1016).

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of his license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

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- 2) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness, documented by a currently licensed physician; or
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).
- 4) Any renewal applicant who, prior to the expiration date of his license, submits a request for a waiver, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final Department's decision of the application has been made.

(Source: Added at 15 Ill. Reg. 8238, effective May 16, 1991)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:

140.116	Amendment
140.413	Amendment
140.475	Amendment
140.490	Amendment
- 4) Statutory Authority:

89 Ill. Adm. Code 140.116

Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 12-13)

89 Ill. Adm. Code 140.413

Sections 5-5.1 et seq. and 12-11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-11)

89 Ill. Adm. Code 140.475

Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

89 Ill. Adm. Code 140.490

Sections 5-5.1 et seq. of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq.)
- 5) Effective Date of Adopted Amendments: May 23, 1991
- 6) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 23, 1991
- 9) Notices of Proposal Published in Illinois Register:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

89 Ill. Adm. Code 140.16

January 25, 1991 (15 Ill. Reg. 847)

89 Ill. Adm. Code 140.413

January 18, 1991 (15 Ill. Reg. 406)

89 Ill. Adm. Code 140.475

January 25, 1991 (15 Ill. Reg. 847)

89 Ill. Adm. Code 140.490

December 7, 1990 (14 Ill. Reg. 19132)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The word "Items" was stricken through in the first instance it appears in the title of Section 140.422 in the Table of Contents.

"Of" was changed to "of" in Section 140.680 in the Table of Contents.

Changed "3-104" to "3-401" in Section 140.490(a)(1), fourth line.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? Yes. Section 140.413

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

140.3 Amendment April 19, 1991
(15 Ill. Reg. 5585)

140.7 Amendment April 19, 1991
(15 Ill. Reg. 5585)

140.11 Amendment May 10, 1991
(15 Ill. Reg. 6949)

DEPARTMENT OF PUBLIC AID

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Section Numbers Proposed Action Illinois Register Citation

140.17 Amendment November 30, 1990
(14 Ill. Reg. 18982)

140.71 Amendment December 21, 1990
(14 Ill. Reg. 20170)

140.420 Amendment February 1, 1991
(15 Ill. Reg. 1414)

140.421 Amendment February 1, 1991
(15 Ill. Reg. 1414)

140.460 Amendment April 5, 1991
(15 Ill. Reg. 4903)

140.461 Amendment April 5, 1991
(15 Ill. Reg. 4903)

140.462 Amendment April 5, 1991
(15 Ill. Reg. 4903)

140.463 Amendment April 5, 1991
(15 Ill. Reg. 4903)

140.465 Repealed April 5, 1991
(15 Ill. Reg. 4903)

140.561 Amendment May 17, 1991
(15 Ill. Reg. 7482)

140.850 New Section December 14, 1990
(14 Ill. Reg. 19592)

140.855 New Section December 14, 1990
(14 Ill. Reg. 19592)

140.860 New Section December 14, 1990
(14 Ill. Reg. 19592)

140.865 New Section December 14, 1990
(14 Ill. Reg. 19592)

140.870 New Section December 14, 1990
(14 Ill. Reg. 19592)

140.875 New Section December 14, 1990
(14 Ill. Reg. 19592)

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.880	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.885	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.890	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.895	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.Table D	Amendment	February 1, 1991 (15 Ill. Reg. 1414)
140.Table K	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.Table L	New Section	December 14, 1990 (14 Ill. Reg. 19592)

15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 140.16

This rulemaking clarifies 140.16 by adding suspension as an action that can be initiated by the Department (see existing 140.17).

89 Ill. Adm. Code 140.413

This rulemaking provides for payment to providers for mammograms.

89 Ill. Adm. Code 140.475

Three changes are proposed. The first provides clarification that Medicaid clients eligible for services from DORS or DSCC may be eligible for payment under Medicaid for medical equipment, supplies and prosthetic devices. This reflects current policy that DORS and DSCC are the payor of last resort in this area. The second changes the designation of ICF/DD to ICF/MR. The latter is a federal designation used in all other sections of our rules. Finally, the reference to State rule has been changed to federal regulation.

89 Ill. Adm. Code 140.490

The proposed change would allow greater access to medical care by making payment for not-for-profit organizations, many of whom are providing transportation but have not been able to participate in the Medicaid program. This change will enhance access in rural areas and in some more metropolitan areas. The rule will allow these not-for-profit organizations to participate and bill the Department in their own name. The portion of the rule that is being deleted was inadvertently incorporated in the revision that was adopted in December 1989. The referenced inspections conducted by DPH are required for ambulance providers and not for medicar vehicles, taxicabs or service cabs.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name:

Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address:

Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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140.2
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Medical Assistance Programs
Covered Services Under The Medical Assistance
Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP,
Individuals Under Age 18 Not Eligible for AFDC,
Pregnant Women Who Would Be Eligible if the Child
Were Born and Pregnant Women and Infants Under Age
One Year Who Do Not Qualify As Mandatory
Categorically Needy

140.4

Covered Medical Services Under AFDC-MANG for
non-pregnant persons who are 18 years of age or
older (Repealed)

140.5

Covered Medical Services Under GA and AMI

140.6

Medical Services Not Covered

140.7

Medical Assistance Provided to Individuals Under the
Age of Eighteen Who Do Not Qualify for AFDC and
Children Under Age Six

140.8

Medical Assistance For Qualified Severely Impaired
Individuals

140.9

Medical Assistance for a Pregnant Woman Who Would
Not Be Categorically Eligible for AFDC/AFDC-MANG if
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Mandatory Categorically Needy

140.10

Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
140.11
140.12
140.13
140.14

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical
Assistance Program

140.15

Recovery of Money

140.16

Termination of a Vendor's Eligibility to Participate
in the Medical Assistance Program

140.17

Suspension of a Vendor's Eligibility to Participate
in the Medical Assistance Program

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Effect of Termination on Individuals Associated with
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Submittal of Claims

140.20

Covered Medicaid Services for Qualified Medicare
Beneficiaries (QMBs)

140.21

Magnetic Tape Billings
Payment of Claims

140.22

Payment Procedures
Overpayment or Underpayment of Claims

140.23

Payment to Factors Prohibited
Assignment of Vendor Payments

140.24

Record Requirements for Medical Providers
Audits

140.25

False Reporting and Other Fraudulent Activities
Prior Approval for Medical Services or Items

140.26

Prior Approval in Cases of Emergency
Limitation on Prior Approval

140.27

Post Approval for items or Services When Prior
Approval Cannot Be Obtained

140.28

Drug Manual (Recodified)
Drug Manual Updates (Recodified)

140.29

Hospital Services (Recodified)
Participation (Recodified)

140.30

General Requirements (Recodified)
Special Requirements (Recodified)

140.31

Covered Hospital Services (Recodified)
Hospital Services Not Covered (Recodified)

140.32

Limitation On Hospital Services (Recodified)
Transplants (Recodified)

140.33

Heart Transplants (Recodified)
Liver Transplants (Recodified)

140.34

Bone Marrow Transplants (Recodified)
Disproportionate Share Hospital Adjustments
(Recodified)

140.35

Payment for Inpatient Services for GA (Recodified)
Hospital Outpatient and Clinic Services (Recodified)

140.36

Payment for Hospital Services During Fiscal Year
1982 (Recodified)

140.37

Payment for Hospital Services After June 30, 1982
(Repealed)

SUBPART C: HOSPITAL SERVICES

Section

140.94
Hospital Services (Recodified)

140.95

Participation (Recodified)
General Requirements (Recodified)

140.96

Special Requirements (Recodified)
Covered Hospital Services (Recodified)

140.97

Hospital Services Not Covered (Recodified)
Limitation On Hospital Services (Recodified)

140.98

Transplants (Recodified)
Heart Transplants (Recodified)

140.99

Liver Transplants (Recodified)
Bone Marrow Transplants (Recodified)

140.100

Disproportionate Share Hospital Adjustments
(Recodified)

140.101

Payment for Inpatient Services for GA (Recodified)
Hospital Outpatient and Clinic Services (Recodified)

140.102

Payment for Hospital Services During Fiscal Year
1982 (Recodified)

140.103

Payment for Hospital Services After June 30, 1982
(Repealed)

140.104

Hospital Services (Recodified)
Participation (Recodified)

140.105

General Requirements (Recodified)
Special Requirements (Recodified)

140.106

Covered Hospital Services (Recodified)
Hospital Services Not Covered (Recodified)

140.107

Limitation On Hospital Services (Recodified)
Transplants (Recodified)

140.108

Heart Transplants (Recodified)
Liver Transplants (Recodified)

140.109

Bone Marrow Transplants (Recodified)
Disproportionate Share Hospital Adjustments
(Recodified)

140.110

Payment for Inpatient Services for GA (Recodified)
Hospital Outpatient and Clinic Services (Recodified)

140.111

Payment for Hospital Services During Fiscal Year
1982 (Recodified)

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Payment for Hospital Services After June 30, 1982
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140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
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140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
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140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
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140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
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TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.

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7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum

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effective March 6, 1989; amended at 13 Ill. Reg. 3917,
effective March 17, 1989; amended at 13 Ill. Reg. 5115,
effective April 3, 1989; amended at 13 Ill. Reg. 5718,
effective April 10, 1989; Sections 140.850 thru 140.896
recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill.
Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24,
1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989;
Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code
148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment
at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of
150 days; emergency expired November 28, 1989; amended at 13
Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill.
Reg. 12119, effective July 7, 1989; Section 140.110 recodified
to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at
13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill.
Reg. 14391, effective August 31, 1989; emergency amendment at
13 Ill. Reg. 15473, effective September 12, 1989, for a maximum
of 150 days; amended at 13 Ill. Reg. 16992, effective October
16, 1989; amended at 14 Ill. Reg. 190, effective December 21,
1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990;
emergency amendment at 14 Ill. Reg. 3241, effective February
14, 1990, for a maximum of 150 days; emergency expired July 14,
1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990;
emergency amendment at 14 Ill. Reg. 4577, effective March 6,
1990, for a maximum of 150 days; emergency expired August 3,
1990; emergency amendment at 14 Ill. Reg. 5575, effective April
1, 1990, for a maximum of 150 days; emergency expired August
14, 1990; emergency amendment at 14 Ill. Reg. 5865, effective
April 3, 1990, for a maximum of 150 days; amended at 14 Ill.
Reg. 7141, effective April 27, 1990; emergency amendment at 14
Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150
days; amended at 14 Ill. 10062, effective June 12, 1990;
amended at 14 Ill. Reg. 10409, effective June 19, 1990;
emergency amendment at 14 Ill. Reg. 12082, effective July 5,
1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262,
effective August 6, 1990; emergency amendment at 14 Ill. Reg.
14184, effective August 16, 1990, for a maximum of 150 days;
emergency amendment at 14 Ill. Reg. 14570, effective August 22,
1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826,
effective August 31, 1990; amended at 14 Ill. Reg. 15366,
effective September 12, 1990; amended at 14 Ill. Reg. 15981,
effective September 21, 1990; amended at 14 Ill. Reg. 17279,
effective October 12, 1990; amended at 14 Ill. Reg. 18057,
effective October 22, 1990; amended at 14 Ill. Reg. 18508,
effective October 30, 1990; amended at 14 Ill. Reg. 18813,
effective November 6, 1990; amended at 14 Ill. Reg. 20478,
effective December 7, 1990; amended at 14 Ill. Reg. 20729,
effective December 12, 1990; amended at 15 Ill. Reg. 298,
effective December 28, 1990; emergency amendment at 5 Ill.

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Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program

- a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program if it determines that, at any time prior to or subsequent to the effective date of these Rules:

- 1) Such vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor;
- 2) Such vendor is not properly licensed or qualified, or such vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
- 3) Violates records requirements
 - A) Such vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department,
 - i) such records as are required to be maintained by the Department or as are necessary to fully disclose the extent of the services or supplies provided; or
 - ii) such records as are required to be

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Section 140.16

Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program (Cont'd.)

maintained by the Department regarding payments claimed for providing services.

- B) This Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor, his agent, employer or employee;
- 5) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the program. For purposes of this Section, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause to be aware that the statements or representations were false when made;
- 6) Such vendor has submitted claims for services or supplies which were not rendered or delivered;
- 7) Such vendor has furnished goods or services to a recipient which, when based upon competent medical judgment and evaluation, are determined to be:
 - A) in excess of the recipient's needs,
 - B) harmful to the recipient (for the purpose of this Section, "harmful" goods or services caused actual harm to a recipient or placed a recipient at risk of harm, or of adverse

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side effects which outweigh the medical benefits sought to be provided), or

C) of grossly inferior quality.

8) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either

A) was previously terminated from participation in the Medical Assistance Program; or

B) was a person with management responsibility for a previously terminated vendor during the time of conduct which was the basis for that vendor's termination from participation in the Medical Assistance Program; or

C) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a previously terminated corporate vendor during the time of conduct which was the basis for that vendor's termination from participation in the medical assistance program; or

D) was an owner of a sole proprietorship or partner of a partnership which was previously terminated during the time of conduct which was the basis for that vendor's termination from participation in the Medical Assistance Program;

9) Engaged in Practices Prohibited by Federal or State law or regulation

A) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other

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evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, either:

i) has engaged in practices prohibited by applicable Federal or State law or regulation; or

ii) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

iv) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation.

B) For purposes of subsection (a)(9)

"applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any Federal or state laws or regulations related to the Medical Assistance Program.

C) For purposes of subsection (a)(9) conviction or a plea of guilty to activities violative of applicable Federal or State law or regulation shall be conclusive proof that such activities were engaged in.

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Section 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program (Cont'd.)

- 10) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program if such felony constitutes grounds for disciplinary action under the licensing act applicable to that individual or vendor.

- b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.

(Source: Amended at 15 Ill. Reg. 8264, effective May 23, 1991)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.413 Limitation on Physician Services

- a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:

- 1) Termination of pregnancy -- only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother. All claims for reimbursement for abortions or induced miscarriages or premature births must be accompanied by the physician's written certification which specifies that the procedure is necessary for preservation of life of woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of mother or her unborn child.

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Section 140.413 Limitation on Physician Services (Cont'd)

2) Sterilization

- A) Therapeutic sterilization -- only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury in respect to this procedure.

- B) Nontherapeutic sterilization -- only for recipients age 21 or older. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.

- 3) End stage renal disease treatment (chronic hemodialysis and kidney transplantation) is limited to those recipients who have been determined medically eligible for such treatment by the Illinois Department of Public Health.

- 4) By-pass surgery for morbid obesity -- only with the prior approval of the Department. The Department shall approve payment for this service only in those cases in which it determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, and endocrine disorders have been ruled out. (See Sections 140.40 through 140.42 for prior approval requirements.)

- 5) Psychiatric Services

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Section 140.413 Limitation on Physician Services (Cont'd)

- A) Treatment -- when the services are provided by a physician who has been enrolled as an approved provider with the Department. Psychiatric treatment services are not covered services for Recipients of General Assistance or Aid to the Medically Indigent.
- B) Consultation -- only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.

file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and

- C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric-Gynecologic Services" (1989 Edition), 409 12th Street, S.W., Washington, D.C. 20024-2188.

- 6) Services provided to a recipient in his place of residence -- only when the recipient is physically unable to go to the physicians's office.

- 10) Hysterectomy -- only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgement of receipt of the information. The Department will not pay for a hysterectomy which would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

- 7) Services provided to recipients in group care facilities by a physician other than the attending physician -- only emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.

11) Selected surgical procedures -

- 8) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility -- only when occasioned by an emergency due to acute illness, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.

- A) Tonsillectomies or Adenoidectomies

- B) Hemorrhoidectomies

- C) Cholecystectomies

- D) Disc Surgery/Spinal Fusion

- E) Hysterectomies

- F) Joint Cartilage Surgery/Meniscectomies

- G) Excision of Varicose Veins

- H) Submucous Resection/Rhinoplasty/Repair of Nasal System

- I) Mastectomies for Non-Malignancies

- J) Surgical procedures which generally may be performed in an outpatient setting (see

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Section 140.413

Limitation on Physician Services (Cont'd)

Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements). The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

12) Mammography screening

A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast cancer under the following guidelines:

- i) a baseline mammogram for women 35 through 39 years of age;
- ii) a mammogram every one to two years for women 40 through 49 years of age; or
- iii) a mammogram once per year for women 50 years of age or older.

B) As used in this rule, "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

- b) In cases where a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six (6) months after which a request

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can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Amended at 15 Ill. Reg. 8264, effective May 23, 1991)

Section 140.475 Medical Equipment, Supplies and Prosthetic Devices

- a) Payment for the provision of medical equipment, supplies and prosthetic devices shall be made to participating providers.
- b) Payment for medical equipment, supplies and prosthetic devices shall be made when:

1) they are essential to enable a recipient-client to remain at home or to function in the community; and

2) the recipient's-client's physician has recommended in writing to the Department or in a patient care plan that the supplies or equipment be provided and that they are medically necessary; and

3) the Department has approved payment based on consideration of the recipient's-client's medical condition, the benefits the item is expected to effect, and the recipient's-client's ability to adjust to and to use the item recommended; and

4) the recipient is not eligible for services from the Department of Rehabilitative Services or the Division of Services for Crippled Children. the client is dually eligible for services from the Department of Public Aid and the Department of Rehabilitation Services and/or the Division of Services for Crippled Children and meets the provisions outlined in subsections (b)(1), (2) and (3) above; or

5) The Individual Program Plan (IPP) of an individual with developmental disabilities residing in an ICF/DB-ICF/MR or an LTC facility

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Section 140.475

Medical Equipment, Supplies and Prosthetic Devices (Cont'd)

identifies the equipment, supplies and prosthetic devices which are necessary for his/her participation in active treatment as described in Section 140.642-(EFC-Screening-Assessment)-42 CFR 483.440. Condition of Participation: Active Treatment Service.

- c) Payment shall be made for the repair of prosthetic devices and medical equipment owned by recipients if the age and condition of the device or equipment is such that the cost of repair is less than 75% of the cost of replacement.
- d) Payment shall be made for loaner items issued pending repair or replacement of prosthetic devices and medical equipment owned by recipients if it is the usual practice of the supplier to provide and charge for such items.
- e) Covered services are:
 - 1) Non-durable medical supplies for an individual's life maintenance care and treatment;
 - 2) Durable medical supplies essential to expedite a hospital discharge and to enable the person to be cared for at home;
 - 3) Prostheses and orthoses which are essential to enhance functional mobility or essential for employment;
 - 4) Respiratory equipment and supplies necessary as a life saving measure or for prevention of a medical emergency, institutionalization, or to facilitate deinstitutionalization.
- f) Payment shall be made for covered services on a prior approval basis, except for repair/replacement of medical equipment and prosthetic/orthotic devices, as provided under Section 140.477.

(Source: Amended at 15 Ill. Reg. 8264, effective May 23, 1991)

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Section 140.490

Medical Transportation

- a) Payment for medical transportation shall be made to an individual or public or private or not-for-profit transportation carrier who provides the appropriate form of transportation and who bills and receives payment from the general public and other third party payors (except for private autos pursuant to Section 140.490-subsection (a)(5)). Eligible providers to be considered for payment include:
 - 1) Ambulance providers who hold a valid license from the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 19871989, ch. 95 1/2 par. 3-104401) and Section 8-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 19871989, ch. 95 1/2, par. 8-101)) and pass health/safety inspections annually by the Department of Public Health (see Section 9 of the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 19871989, ch. 95 1/2 par. 5509)). Vehicles operated by municipalities must meet the certification requirements contained in 77 Ill. Adm. Code 535, Subpart C, by July 1, 1987. The Department will grant exceptions to this requirement if the municipality can demonstrate that the Illinois Department of Public Health has granted a waiver or exception to such requirements.
 - 2) Medicar vehicles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code)-and-pass-health/safety-inspections-annually-by-the-Department-of-Public-Health-(see-Section-9-of-the-Emergency-Medicar-Services-(EMS)-Systems-Act).
 - 3) Taxicabs licensed by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code)-and-pass-health/safety-inspections-annually-by-the-Department-of-Public-Health-(see-Section-9-of-the-Emergency-Medicar-Services-(EMS)-Systems-Act).
 - 4) Service cars licensed as livery cars by the Secretary of State and where applicable by local

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Section 140.490 Medical Transportation (Cont'd)

regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code)-and-pass-safety-inspections-annually-by-the-Department-of-Public-Health-(see-Section-9-of-the-Emergency-Medical-Services-(EMS)-Systems-Act).

- 5) Private auto.
- 6) Other modes of transportation (bus, train, airplane, etc.).
- b) Payment for medical transportation shall be made when:

Transportation is provided to or from a source of medical care. Medical care is defined as any medical service covered under the Medical Assistance Program. Transportation will be provided for covered medical services even when the medical service is provided free of charge, such as the Veteran's Administration.

- c) Payment shall not be made for medical transportation when a cost-free means of transportation is available.

(Source: Amended at 15 Ill. Reg. 8264, effective May 23, 1991)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Disability Case Development Process2) Code Citation: 89 Ill. Adm. Code 843

- 3) Section Numbers:

843.10	<u>Adopted Action:</u>
843.20	amendment
843.30	amendment
843.50	amendment
843.60	amendment
843.70	amendment
843.120	amendment
843.130	amendment
843.150	amendment
843.160	amendment
843.180	new section

- 4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

- 5) Effective Date of Amendments: May 16, 1991

- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 7) Does this amendment contain incorporations by reference? Yes ☐ No ☒

- 8) Date Filed in Agency's Principal Office: January 4, 1991

- 9) Notice of Proposal Published in Register: July 27, 1990 14 Ill. Reg. 12212 (issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rules? No

- 11) Difference(s) between proposal and final version: Differences between proposed rules and final rules are: The Authority note has been modified to state: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989 Supp., ch. 23, pars. 3434(a) and (k)).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All the changes agreed upon by the agency and JCAR have been made as indicated in the agreement letter issued by JCAR.

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NOTICE OF ADOPTED AMENDMENTS

SUBPART A: INITIAL, RECONSIDERATION, AND REOPENING CASE DEVELOPMENT

Section 843.10 Definitions

"Bureau" means the Bureau of Disability Determination Services.

"Claimant representative" means an attorney or other individual appointed by the claimant to act for him/her in the prosecution of a disability claim, who is qualified pursuant to the definition of "representative" in 89 Ill. Adm. Code 853.10.

"Clear-cut cessation" means a decision to discontinue disability benefits/payments without current medical development (i.e., the acquisition of medical evidence subsequent to the receipt of the case file by the Bureau for the purpose of conducting continuing disability review) when the claimant has returned to full-time work as defined in and meets the criteria as set forth in the Program Operations Manual System DI 28030.035 et seq. as revised January 1986 August 1987.

"Continuing Disability review" means the periodic reexamination of a case, which is conducted pursuant to 89 Ill. Adm. Code 850 for which an allowance has been processed in order to determine if the claimant continues to be disabled.

"Daily activities development" means the process of obtaining a description of the claimant's customary actions, interests, and interpersonal relationships from medical and/or lay sources who have knowledge of the claimant's living conditions.

"Medical evidence of record" means medical information on file for a patient, such as reports of exams, progress notes, and test results, which are obtained from a treating source as defined in Program Operations Manual System DI 22505.025 as amended December 1986.

"Medical Information Unit" (MIU) means the unit established by the Bureau to perform various functions involving the consultative examination process and to coordinate all correspondence, communication, and record-keeping between the Bureau and Cook County Hospital and Fantus Clinic of Chicago, Illinois.

"Presumptive disability/blindness decision" means a favorable decision rendered for a Supplemental Security Income (SSI) claim based on the evaluation criteria as set forth in the Program Operations Manual System DI 23535.005, as amended January-1986 October 1988; such decision permits the claimant to receive payments prior to the formal decision.

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"Program Operations Manual System" means the policies and procedures of the Social Security Administration which set forth the objectives and requirements of the disability programs and furnish the standards with which Social Security Administration operating components must comply in the administration of the functions they perform. The Social Security Act is the basis for all standards set forth in the Program Operations Manual System.

"Residual functional capacity" means the ability to function in a work setting despite the limitations imposed by a physical or mental impairment as determined pursuant to Program Operations Manual System DI 24510.001 as amended July 1989 and 25005-000 25001.001 as amended January-1986 March 1989.

"Sequential evaluation" means the order in which factors regarding impairment severity and work status are considered in the adjudication process, pursuant to 89 Ill. Adm. Code 845.

"Trailer mail" means medical evidence and other case-related correspondence received in the Bureau after the claim has been adjudicated and released.

"Vocational evidence" means documentation of the claimant's residual functional capacity, age, education, and work experience used when a disability decision based on medical evidence alone cannot be made.

"Work evaluation" means a program conducted at a work evaluation facility, which has an annual service agreement pursuant to 89 Ill. Adm. Code 530, to assess by testing of function and job sampling the claimant's ability to adjust to work pursuant to Program Operations Manual System DI 22515.045 10 as amended January-1986 November 1988.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991)

Section 843.20 Preliminary Case Action

- a) A claimant will provide consent to the Bureau to contact sources who may have evidence to document the claim by signing the Disability Insurance Benefit and/or Supplemental Security Income (SSI) application(s) and a medical release form when filing for benefits/payments. The Bureau will obtain and disclose such evidence following the guidelines governing disclosure set forth in the Program Operations Manual System DI 30510.000 and DI 30515.000 et seq. as amended January 1986. The claimant may revoke the consent at any time, but the consent will be valid until final disposition of the disability claim or one year.

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- b) To insure the impartiality of the adjudicative team, the Bureau will assign a claim for which an earlier unfavorable determination was rendered, to an adjudicator and medical consultant who did not participate in that decision.
- c) All incoming SSI cases will be reviewed to determine if a presumptive disability/blindness decision can be made following the criteria in the Program Operations Manual System DI 23535.000 et seq. as amended January-1986 October 1988.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991)

Section 843.30 Medical Evidence of Record Development

- a) The Bureau incorporates the standards for obtaining medical evidence of record as set forth in the Program Operations Manual System DI 22505.000 et seq. as revised January-1986; ~~and amended-December 1986~~ and June 1987 except for the provisions regarding obtaining medical evidence from Cook County Hospital and Fantus Clinic of Chicago, Illinois.
- b) The Bureau's Medical Information Unit (MIU) will be responsible for processing all requests for medical evidence of record from Cook County Hospital and Fantus Clinic of Chicago, Illinois.
- c) The Bureau has developed the following policy regarding payment for medical evidence:
- 1) Only one payment will be proffered per source. Payment rates are established pursuant to provisions set forth in 89 Ill. Adm. Code 545.
 - 2) When a reconsideration claim is filed requiring that the same source be contacted for additional evidence, another payment will be proffered, because a new application at a higher level of appeal is being developed.
 - 3) If a contact does not yield medical evidence of record, payment will not be proffered.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991)

Section 843.50 Vocational Evidence Development

- a) The Bureau will determine whether complete vocational development is needed for the claim by following the steps of sequential evaluation

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described in 89 Ill. Adm. Code 845 (Sequential Evaluation Process for the Determination of Disability).

- b) The Bureau incorporates the criteria for vocational evidence development as specified in the Program Operations Manual System DI 22515.000 et seq. as amended January-1986 November 1988.
- c) If the Bureau cannot assess the residual functional capacity based on medical and vocational evidence as defined by the Program Operations Manual System DI 22505.000 as amended June 1987, and DI 22515.000 as amended January-1986 November 1988, the Bureau will provide the claimant with the following information:

- 1) The reason that the additional evidence is needed;
 - 2) A description of the work evaluation process;
 - 3) The dates during which the evaluation will occur;
 - 4) Transportation available from the facility or the travel reimbursement policy as set forth in 89 Ill. Adm. Code 840.50(b)(10);
 - 5) Directions to get to the facility and the contact person at the site;
 - 6) Instructions regarding medication, prostheses, and the money necessary for meals that should be taken to the evaluation;
 - 7) Description of the lodging arrangement.
- d) If a claimant fails to participate or cannot be contacted regarding a work evaluation, the Bureau will follow the guidelines for securing claimant cooperation as stated in the Program Operations Manual System DI 22501.030 03 et seq. as amended January-1986 August 1988.
- e) If a claimant fails to go to the work evaluation for a valid reason as set forth in Program Operations Manual System DI 22510.055(b), as amended January 1986, but is willing to participate, the Bureau will recontact the facility to arrange for the claimant to complete the evaluation.
- f) Reimbursement for travel, meals and lodging will be made in accordance with 80 Ill. Adm. Code 2800.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991)

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Section 843.60 Daily Activities Development for Mental Impairment Claims

- a) The Bureau incorporates the guidelines for daily activities in mental impairment claims set forth in the Program Operations Manual System DI ~~24510-076-et-seq~~ 22511.001 - 22511.013 as amended May 1986 July 1989. Mental impairments are defined in 20 CFR 404, Subpart P, Appendix A, 12.00 (1987 9).
- b) The Bureau will prepare a mental residual capacities assessment for cases involving a mental impairment in accordance with the Program Operations Manual System DI 24510.070(B);--~~as amended-January 1986~~; 25 and DI 24510.080 60 - 24510.065, as amended May-1986;--and-DI-24510-085-as-amended-January-1987 July 1989.
- c) If a claimant alleging a mental impairment refuses or fails to comply with a Department request for further development without good and valid reason, as explained in the Program Operations Manual System DI 22501.030 as amended January 1986, the Bureau will obtain assistance through contact with a third party or Social Security Administration field office assistance according to the guidelines in the Program Operations Manual System DI 22501.030 03 et seq. as amended August 1988 and DI 22505.050 et seq. as amended January 1986.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991

SUBPART B: CONTINUING DISABILITY REVIEW (CDR) CASE DEVELOPMENT

Section 843.70 Contact With Claimants

- a) If information obtained by the SSA field office during the CDR interview does not meet the requirements contained in the Program Operations Manual System DI 28030.020, as amended June 1987, and DI 28030.030, as amended August 1987, the Bureau will directly contact the claimant or his/her representative for the necessary information following the guidelines set forth in the Program Operations Manual System DI 28030.015(A) as amended June 1987.
- b) If SSA field office assistance is needed to obtain the desired information, according to the provisions in the Program Operations Manual System DI 28030.015(B) as amended June 1987, the Bureau will request such assistance in accordance with the guidelines set forth in the Program Operations Manual System DI 22505.050 et seq. as amended January-1986 June 1987.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991

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Section 843.120 Cessation Without Full Medical Development (Clear-Cut Cessation)

The Bureau will determine the need for a cessation of benefits without full medical development for the CDR claim according to the criteria set forth in the Program Operations Manual System DI 28030.035 et seq. as amended January-1986 August 1987.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991

SUBPART C: SPECIAL ISSUES AFFECTING CASE DEVELOPMENT

Section 843.130 Capability Development

The Bureau incorporates the standards for capability development as set forth in the Program Operations Manual System DI 23001.000 et seq. as amended January-1986 March 1989.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991

Section 843.150 Issues Which Necessitate Curtailing Development

- a) When the claimant leaves Illinois before a decision on the case has been made, the Bureau will follow the steps specified in the Program Operations Manual System DI 20101.035 et seq. as amended January 1986 October 1987.
- b) The Bureau will curtail development and return the case to the SSA field office as directed by the Program Operations Manual System DI 20101.000 et seq. as amended January-1986 October 1987.
- c) The Bureau will take action when the claimant fails to cooperate with the Bureau or SSA field office in accordance with the criteria stated in the Program Operations Manual System DI 23010.000 et seq., as amended January-1986 July 1989, DI 22505.020 et seq. as amended December 1986, DI 22505.021 as amended December 1986, DI 22510.025(B) and (C) as amended April 1987, DI 22510.050 as amended January 1986, DI 22510.055 as amended January 1986, DI 22505.050 as amended October 1987, and DI 22505.065(E) as amended June 1987.
- d) When the claimant withdraws or does not wish to pursue the claim, the Bureau will follow the steps described in the Program Operations Manual System DI 23015.000 et seq. as amended January 1986.
- e) When the claimant's whereabouts become unknown during the processing of the claim, the Bureau will take action as described in the Program

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Operations Manual System DI 23005.000 et seq. as amended January 1986 February 1989.

- f) When the claimant dies before completion of the case processing, the Bureau will follow the criteria set forth in the Program Operations Manual System DI 23510.000 et seq. as amended January 1986.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991

Section 843.160 Issues Which Necessitate Reopening a Prior Decision

- a) Case development for initial and reconsideration claims will be curtailed and a prior decision reopened, when the Bureau finds a basis for such action according to the criteria set forth in the Program Operations Manual System DI 27501.000 and DI 27505.000 et seq. as amended April-1986 July 1989.

- b) Prior CDR decisions will be reopened following the criteria stated in the Program Operations Manual System DI 28501.000 et seq. as amended January 1986.

(Source: Amended at 15 Ill. Reg. 8294, effective May 16, 1991

Section 843.180 Processing Out-of-State Court Cases

With regard to the following class action lawsuits, the Bureau incorporates the specified court-ordered criteria for development of medical and/or vocational evidence:

- a) In the case of Boyd, et al. v. Sullivan, POMS DI 32532.000 et seq. revised March, 1990.
- b) In the case of Hyatt, et al. v. Sullivan, POMS DI 32548.000 et seq. revised April, 1986.
- c) In the case of Morrison, Doe and Decker, POMS DI 32551.000 et seq. revised September, 1986.
- d) In the case of Polaski, et al. v. Bowen, POMS DI 32553.000 et seq. revised December, 1989.
- e) In the case of Samuels, et al. v. Bowen, POMS DI 32555.000 et seq. revised March, 1990.
- f) In the case of Sullivan v. Zebbley, POMS DI E32597.000 et seq. revised June, 1990.

(Source: Added at 15 Ill. Reg. 8294, effective May 16, 1991

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- 1) Heading of Part: Sequential Evaluation Process for the Determination of Disability

- 2) Code Citation: 89 Ill. Adm. Code 845

- 3) Section Numbers:
845.11
845.20
845.30
845.40
- Adopted Action:
new section
amendment
amendment

- 4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "An ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and 3434(k)).

- 5) Effective Date of Amendments: May 20, 1991

- 6) Does this rulemaking contain an automatic repeal date? Yes X No

- 7) Does this amendment contain incorporations by reference? X Yes No

- 8) Date Filed in Agency's Principal Office: January 4, 1991

- 9) Notice of Proposal Published in Register: July 27, 1990 14 Ill. Reg. 12240 (issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rules? No

- 11) Difference(s) between proposal and final version: There are no differences between the proposed rules and the final rules.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes in this rulemaking were suggested by JCAR.

- 13) Will these amendments replace an Emergency Rule(s) currently in effect?
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of Amendment(s): These amendments clarify the Department's policies and procedures for the Bureau of Disability Determination Services regarding the sequential evaluation process for the determination of disability.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

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Ms. Leigh Reed
 Regulations and Procedures Section
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 Telephone number: (217) 785-3896
 T.D.D.: (217) 782-5734

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SURCHAPTER g: BUREAU OF DISABILITY DETERMINATION SERVICES

PART 845

SEQUENTIAL EVALUATION PROCESS FOR THE DETERMINATION OF DISABILITY

Section

845.10 Definitions

845.11 Incorporation by Reference

845.20 Steps of Sequential Evaluation

845.30 Multiple Impairments

845.40 Evaluation of Pain and Other Symptoms

AUTHORITY: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

SOURCE: Adopted at 10 Ill. Reg. 19764, effective November 6, 1986; peremptory amendment at 12 Ill. Reg. 5467, effective February 25, 1988; amended at 13 Ill. Reg. 19308, effective November 22, 1989; amended at 15 Ill. Reg. 8304, effective May 20, 1991

Section 845.11 Incorporation by Reference

Incorporations by reference in this Part do not include any later amendments or editions.

(Source: Added at 15 Ill. Reg. 8304, effective May 20, 1991)

Section 845.20 Steps of Sequential Evaluation

- a) ~~The Bureau incorporates the criteria specified in the Code of Federal Regulations 20 CFR 404.1520 and 20 CFR 416.920 as amended March 5, 1985; 20 CFR 404.1577 and 20 CFR 404.1581 as amended February 8, 1983; 20 CFR 404.1578a and 20 CFR 404.1578b as amended March 22, 1982; 20 CFR 416.924a and 20 CFR 416.924b as amended March 5, 1985; and 20 CFR 416.981 revised April 1, 1986. This incorporation contains no later amendments or editions.~~

- a) The Bureau incorporates the criteria specified in the Code of Federal Regulations 20 CFR 404.1520-1520a, 404.1577-1578, 404.1581, 416.920-920a, 416.924 and 416.981 revised April 1, 1989; Social Security Rulings 86-8 (Titles II and XVI: The Sequential Evaluation Process) as Effective December 1, 1984.

- b) ~~The following steps shall be used in the determination of disability unless the individual fails under the criteria listed in~~

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the Code of Federal Regulations--20 CFR 404.1577--as amended--March-22, 1983;--20 CFR 404.1578--as amended--March-22,--1983;--20 CFR 416.906 revised--April-1;--1986;--or--20 CFR 416.901--revised--April-1;--1986;--This incorporation--contains--no--later--amendments--or--editions;--The--steps--enumerate--the--process--used--to--evaluate--an--impairment--and--are--to--be--followed--in--sequence;--When--a--determination--is--made--that--an--individual--is--disabled--or--not--disabled--at--any--step;--it--is--not--necessary--to--proceed--with--the--evaluation.

b) The following steps shall be used in the determination of disability unless:

1) The individual falls under the criteria listed in the Code of Federal Regulations 20 CFR 404.1577-1578, 416.906 or 416.901 revised April 1, 1989.

2) With regard to the adjudication of children's Supplemental Security Income disability claims, the Bureau will apply the court-ordered standard in the case of Sullivan v. Zebley, POMS DI E-32597.000 et seq. and fully consider a child's functional limitations when evaluating the severity of the child's impairment.

c) The steps are as follows:

1) Is the individual engaging in substantial gainful activity?

A) The Bureau incorporates the criteria for determining substantial gainful activity specified in the Code of Federal Regulations 20 CFR 404.1510a, 20 CFR 404.1510b;--20 CFR 416.910a--and--20 CFR 416.910b--revised--April-1;--1986;--This--incorporation--contains--no--later--amendments--or--editions;--

A) The Bureau incorporates the criteria for determining substantial gainful activity specified in the Code of Federal Regulations 20 CFR 404.1510, 404.1571-1576, 404.1591-1592, 416.910 and 416.971-976 revised April 1, 1989; Social Security Rulings 83-33 (Titles II and XVI: Determining Whether Work Is Substantial Gainful Activity - Employees), 83-35 Substantial Gainful Activity - Self-Employed Persons), 83-35 (Titles II and XVI: Averaging of Earnings in Determining Whether Work Is Substantial Gainful Activity) as Issued 1983; and 85-5c (Disabled Child's Benefits - Determining Whether Work Is Substantial Gainful Activity - Averaging Earnings from Employment) as Issued in Anderson vs. Heckler 762F 2nd 455 in 8th Cir. 1984.

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B) If the individual is performing substantial gainful activity, a determination that the individual is not disabled will be made regardless of the individual's medical condition, age, education, or work experience unless the individual meets the blindness provisions specified in 20 CFR 404.1581 as amended February 8, 1983, 20 CFR 404.1582 revised April 1, 1986, 20 CFR 404.1583 revised April 1, 1986, 20 CFR 404.1584 as amended May 16, 1983, 20 CFR 416.981, 20 CFR 416.982, 20 CFR 416.983 and 20 CFR 416.984 revised April 1, 1986. This incorporation--contains--no--later--amendments--or--editions;--

C) According to Program Operations Manual System (POMS) Disability Insurance (DI) 24001, 24005 and 24010 revised June, 1987, the Social Security Administration Field Offices

will have jurisdiction over work issue cases, that is, cases where there is an indication that a claimant is or has engaged in work activity during a period when disability was alleged or determined.

2) Does the individual have a severe impairment?

The Bureau incorporates the provisions for determining whether an impairment is or is not severe as specified in 20 CFR 404.1520(c), 20 CFR 404.1521, 20 CFR 416.920(c), and 20 CFR 416.921 as revised April 1, 1987. This incorporation--contains--no--later--amendments--or--editions;--

3) Does the individual have an impairment(s) that meets or equals the Listing of Impairments?

A) The Bureau incorporates the criteria for the Listing of Impairments specified in the Code of Federal Regulations--20 CFR 404.1525a;--20 CFR 404.1525b;--20 CFR 404.1525c;--20 CFR 404.1525d;--20 CFR 404.1525e;--20 CFR 416.925a;--20 CFR 416.925b;--20 CFR 416.925c;--20 CFR 416.923d;--20 CFR 416.925e--revised--April-1;--1986;--and--20 CFR--Appendix--I--amended--August-28;--1985;--and--December-6;--1985;--This incorporation--includes--no--later--amendments--or--editions;--

A) The Bureau incorporates the following criteria for the Listing of Impairments:

- i) Code of Federal Regulations 20 CFR 404.1525, 416.925, 404 Appendix I to Subpart P revised April 1, 1989;
- ii) POMS DI 24525.000 Evaluation of Acquired Immunodeficiency Syndrome (AIDS) and AIDS-Related Complex (ARC) revised April 1989, POMS DI 24530.000 Evaluation of

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20-6FR-416-965b;-20-6FR-416-966a;-20-6FR-416-966b;-20-6FR-416-966e;-20-6FR-416-966d;-20-6FR-416-967a;-20-6FR-416-967b;-20-6FR-416-967c;-20-6FR-416-967d;-20-6FR-416-967e;-20-6FR-416-968a;-20-6FR-416-968b;-20-6FR-416-968c;-20-6FR-416-971;-20-6FR-416-972-revised-April-1;-1986;-This incorporation-includes-no-later-amendments-or-editions:

- A) The Bureau incorporates the criteria for vocational considerations specified in the Code of Federal Regulations 20 CFR 404.1560-1568 and 416.960-968 revised April 1, 1989; Social Security Rulings 82-41 (Titles II and XVI: Work Skills and Their Transferability as Intended by the Expanded Vocational Factors Regulations as Effective August 20, 1980), and 82-63 (Titles II and XVI: Medical-Vocational Profiles showing an Inability to Make an Adjustment to Other Work) as Effective August 20, 1980.

- B) The Bureau incorporates the criteria for medical-vocational guidelines specified in the Code of Federal Regulations 20 CFR 404.1569;-20-6FR-404-1569;-20-6FR-404-Appendix-2-and-20-6FR-416-969-revised-April-1;-1986;-This incorporation-includes no-later-amendments-or-editions:

- B) The Bureau incorporates the criteria for medical-vocational guidelines specified in the Code of Federal Regulations 20 CFR 404.1569, 20 404 Appendix 2 and 20 CFR 416.969 revised April 1, 1986; Social Security Rulings 83-10 (Titles II and XVI: Determining Capability To Do Other Work - The Medical-Vocational Rules of Appendix 2), 83-11 (Titles II and XVI: Capability To Do Other Work - The Exertionally Based Medical-Vocational Rules Net), 83-12 (Titles II and XVI: Capability To Do Other Work - The Medical Vocational Rules As a Framework for Evaluating Exertional Limitations Within a Range of Work or Between Ranges of Work), 83-14 (Titles II and XVI: Capability To Do Other Work - The Framework for Evaluating a Combination of Exertional and Nonexertional Impairments), and 85-15 (Titles II and XVI: Capability To Do Other Work - The Medical-Vocational Rules As a Framework for Evaluating Solely Nonexertional Impairments) as Effective August 20, 1980. With regard to claims being reviewed under the Morrison, Doe and Decker class action lawsuit, the Bureau also incorporates the court-ordered criteria for evaluating residual functional capacity and making individualized vocational assessments as specified in POMS DI 32551.000 et seq. revised September 1986.

- C) If the individual has an impairment that cannot be evaluated

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on medical findings alone, prevents him/her from performing past work but does not prevent him/her from doing other work, a determination that the individual is not disabled will be made.

- D) If the impairment prevents him/her from doing other work, a determination that the individual is disabled will be made.
- d) When a fully or partially unfavorable determination has been made, an individual may request an administrative and judicial review of the determination according to the process described in the Code of Federal Regulations 20 CFR 404.900 and 20 CFR 416.1400 revised April 1, 1986. ~~This incorporation contains no later amendments or editions:~~

- e) The Bureau will make disability determinations according to the criteria specified in the code of Federal Regulations 20 CFR 404.1615 revised April 1, 1986 and 20 CFR 416.1015 as amended May 29, 1981 and August 19, 1981. ~~This incorporation contains no later amendments or editions:~~

(Source: Amended at 15 Ill. Reg. 8304, effective May 20, 1991)

Section 845.30 Multiple Impairments

The Bureau incorporates the criteria for multiple impairments specified in the Code of Federal Regulations 20 CFR 404.1523 and 20 CFR 416.923 as amended March 5, 1985. ~~This incorporation includes no later amendments or editions:~~ (See also 89 Ill. Adm. Code 845.20.)

(Source: Amended at 15 Ill. Reg. 8304, effective May 20, 1991)

Section 845.40 Evaluation of Pain and Other Symptoms

- a) The Bureau incorporates the criteria for the evaluation of pain and other symptoms specified in the Code of Federal Regulations (20 CFR 404.1508, 404.1528, 404.1529, 416.908, 416.928, and 416.929 revised April, 1988); the Program Operations Manual System, Disability Insurance (DI) 22511.000 as amended August 1988, DI 24510.000 as amended January 1986, DI 24515.060 as amended October 1986, DI 24525.000 as amended September 1987, DI 24540.000 as amended February 1986, DI 24575.000 as amended February 1988, DI 24580.000 as amended February 1988, and DI 25005.000 as amended January 1986; and Social Security Rulings 82-51-(Titles II and XVI: Guidelines for Residual Functional Capacity Assessment in Musculoskeletal and Cardiovascular Impairments); 82-53 (Titles II and XVI: Basic Disability Evaluations Guides), 82-55-(Titles II and XVI: Medical Impairments That Are Not Severe); 82-58-(Titles II and XVI:

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Evaluations-of-Symptoms; 83-19 (Titles II and XVI: Finding Disability on the Basis of Medical Considerations Alone - The Listing of Impairments and Medical Equivalency) as Effective August 20, 1980; and 88-13 (Titles II and XVI: Evaluation of Pain and Other Symptoms) as Effective July 20, 1988.

b) The Bureau will consider the evaluation of pain and other symptoms in regard to the Listing of Impairments as described in 89 Ill. Adm. Code 860 (Listing of Impairments).

c) With regard to the following class action lawsuits, the Bureau also incorporates the specified court-ordered criteria for evaluating pain:

- 1) In the case of Boyd, et al. v. Sullivan, POMS DI 32532.000 et seq. revised March, 1990.
- 2) In the case of Ilyatt, et al. v. Bowen, POMS DI 32548.000 et seq. revised April, 1986.
- 3) In the case of Polaski, et al. v. Bowen, POMS DI 32553.000 et seq. revised December, 1989.
- 4) In the case of Samuels, et al. v. Bowen, POMS DI 32555.000 et seq. revised March, 1990.

(Source: Amended at 15 Ill. Reg. 8304, effective May 20, 1991)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF CONSERVATION

Heading of Part: Commercial Fishing and Musseling in Certain Waters of the State

Code Citation: 17 Ill. Adm. Code 830

Section Numbers: 830.05 830.20 830.60 830.70 830.80 830.90

Date Originally Published in Illinois Register: February 15, 1991
15 Ill. Reg. 2057

At its meeting on May 14, 1991, the Committee recommends that it monitor the legal size limit for washboard mussels in bordering states prior to next season to ensure uniformity. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Committee recommends that it monitor the legal size limit in bordering states for washboard mussels prior to next season to ensure uniformity.

Section 830.70(c) in this rulemaking increased the legal size of washboard mussels that can be harvested in Illinois from 3.5 to 4.0 inches.

Since April 1, 1991, the Committee has received numerous contacts from commercial fishermen concerning this rulemaking. All the letters oppose increasing the legal size limit for washboard mussels from 3.5 inches to 4.0 inches. The Association, and most of the correspondence received from commercial fishermen, maintained that to go to a 4.0 inch limit would significantly decrease their income, especially if surrounding states fail to go to a 4.0 limit.

The Department of Conservation agreed to modify its position by increasing the legal size of the washboard mussels from 3.5 inches to 3.75 inches for the 1991 season, and increasing this size to 4.0 inches on January 1, 1992. Missouri indicates it will increase the legal size for washboard mussels from 3.75 inches to 4.0 inches on January 1, 1992. The Department of Natural Resources in Iowa indicated it will also be attempting to implement a 4.0 limit for the 1992 season.

The goal of obtaining a uniform size limit with the bordering states is reasonable. However, the bordering states do need to be monitored to be sure their 1992 size limits increase to 4.0, or Illinois musselers

could be at a severe economic disadvantage compared to competitors from other states. If all the states go to 4.0, market prices could help compensate for diminished catch.

Therefore, the Committee recommends that it monitor the legal size limit for washboard mussels in bordering states prior to next season to ensure uniformity.

98802057

Heading of Part: Use of Sealed Radioactive Sources in the Healing Arts

Code Citation: 32 Ill. Adm. Code 370

Section Numbers: 370.10 370.20 370.25 370.30 370.40

Date Originally Published in Illinois Register: July 20, 1990
14 Ill. Reg. 11653

At its meeting on May 14, 1991, the Joint Committee recommends that the Department of Nuclear Safety make this repealing rule effective no earlier than the effective date of the replacement rule entitled "Use of Radionuclides in the Healing Arts" (32 Ill. Adm. Code 335). The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee recommends that the Department of Nuclear Safety make this repealing rule effective no earlier than the effective date of the replacement rule entitled "Use of Radionuclides in the Healing Arts" (32 Ill. Adm. Code 335).

DNS is proposing 2 rules, one of which repeals "Use of Sealed Radioactive Sources in the Healing Arts" and the other which replaces it with a rule entitled "Use of Radionuclides in the Healing Arts".

Specifically, DNS is proposing to repeal Part 370 and to codify all rules related to medical use of radioactive materials into a new Part 335 which will incorporate the requirements of the repealed Part as well as the requirements presently contained in Part 330. However, the Committee has not yet received the Department's second notice for the new Part 335.

Therefore, the Joint Committee recommends that the Department of Nuclear Safety delay the effective date of this repealer until adoption of the replacement Part 335.

98811653

Heading of Part:	Home Ownership Made Easy Act					
Code Citation:	74 Ill. Adm. Code 750					
Section Numbers:	750.10	750.40	750.70	750.100	750.130	Appendix A
	750.20	750.50	750.80	750.110	750.140	Appendix B
	750.30	750.60	750.90	750.120		

Date Originally Published in Illinois Register: February 8, 1991
15 Ill. Reg. 1791

At its meeting on May 14, 1991, the Joint Committee recommends that the Treasurer delay implementation of its rules governing the Home Ownership Made Easy Act (74 Ill. Adm. Code 350) until the enabling Public Act 86-1462 becomes effective. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee recommends that the Treasurer delay implementation of its rules governing the Home Ownership Made Easy Act (74 Ill. Adm. Code 350) until the enabling Public Act 86-1462 becomes effective.

The Treasurer proposed these rules to implement the Home Ownership Made Easy Act (Ill. Rev. Stat. 1989, ch. 67 1/2, par. 1101 et seq.) as amended by Public Act 86-1462. The HOME Act, as originally written, provided several investment options from which participants could choose to save money for a down payment on a home, but the law proved to be problematic for the Treasurer to implement. Public Act 86-1462 was enacted to resolve the problems. The Act was certified by the Governor on December 12, 1990.

Public Act 86-1462 as passed, amendatorily vetoed and certified contained no effective date, hence becomes effective July 1, 1991.

The Treasurer, wishing to implement these rules as soon as possible, has recently proposed new legislation to move up the effective date of Public Act 86-1462. The legislation, however, was not passed prior to the Committee's review of these proposed rules. If the Treasurer adopts these rules prior to the effective date of Public Act 86-1462, it will have done so under the previous statute, which does not authorize the regulatory process proposed in these rules.

Therefore, the Joint Committee recommends that the Treasurer delay implementation of its rules governing the Home Ownership Made Easy Act (74 Ill. Adm. Code 350) until the enabling Public Act 86-1462 becomes effective, either July 1, 1991, or some earlier date if the Treasurer is successful in amending the effective date prior to that date.

98801791

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING
DEPARTMENT OF PUBLIC HEALTH
(Continued Page 2)

Health Facilities Planning Procedural Rules

Heading of Part: 77 Ill. Adm. Code 1130

Code Citation: 1130.420

Section Numbers: March 29, 1991

Date Originally Published in Illinois Register: 15 Ill. Reg. 4787

At its meeting on May 14, 1991, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Committee objects to Section 1130.420 of the emergency rules of the Department of Public Health entitled Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130), because, contrary to Section 5.02 of the Illinois Administrative Procedure Act (IAPA), no emergency exists which constitutes a threat to the public interest, safety or welfare requiring the adoption of this rulemaking in less time than the general rulemaking procedures of Section 5.01 of the IAPA.

DPH promulgated these emergency rules to exempt intermediate care facilities for the developmentally disabled (ICF/DD) from review when such facilities increase their capacity from the current 15 bed maximum to 16 beds. The review or "permit cycle" requires facilities to pay a \$700 permit fee, prepare and submit an application, and hold a public hearing.

Section 5.02 of the IAPA defines "emergency" as the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare and that requires adoption of a rule on fewer days notice than is required under Section 5.01 of the IAPA. DPH's alleged "emergency" does not find a basis in time constraints or in a threat to the public interest, safety or welfare.

Therefore, the Committee objects to Section 1130.420 of the emergency rules of the Department of Public Health entitled Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130), because, contrary to Section 5.02 of the Illinois Administrative Procedure Act (IAPA), no emergency exists which constitutes a threat to the public interest,

safety or welfare requiring the adoption of this rulemaking in less time than the general rulemaking procedures of Section 5.01 of the IAPA.

98504787

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302. Subpart F, the following water quality criteria have been derived from February 5, 1991 until April 30, 1991:

(No additional water quality criteria derived during the above time period.)

Previously listed water quality criteria, as published in the following issues of the Illinois Register, remain in effect:

15 Ill. Reg. 3334, March 1, 1991.

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Jim Hefley
Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

ILLINOIS REGISTER

8322
91

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACT OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the provisions of paragraph 11a of the Illinois Prevailing Wage Act (Ill. Rev. Stat., 1989, ch. 48, par. 39s-1--12), the Director of the Illinois Department of Labor gives notice that the following contractor has been found to have disregarded his obligations to employees under the Prevailing Wage Act on two (2) separate occasions after January 1, 1990; and is prohibited from being awarded any contract or subcontract for a public works project for two (2) years from the date of this publication:

Mr. Donald A. Durchslag
Singles Roofing Co., Inc.
345 Willard, P.O. Box 31
Elgin, Illinois 60121-0031

Paragraph 11a of the Prevailing Wage Act provides in part that:

"No contract shall be awarded to a contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until 2 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor."

Copies of the Illinois Prevailing Wage Act and Notices of Violations are available from:

The Illinois Department of Labor
Conciliation and Mediation Division
Room 300
#1 West Old State Capitol Plaza
Springfield, Illinois 62701-1217

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of May 13, 1991 through May 17, 1991, and have been scheduled for review by the Committee at its June 11, 1991 meeting. Other items not contained in this published list may also be considered by the Committee at its June meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/27/91	Illinois Consortium for Educational Opportunity, Illinois Consortium for Educational Opportunity Program (23 Ill. Adm. Code 2400)	3/29/91 15 Ill. Reg. 4550	June 11, 1991
6/27/91	Department of Conservation, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)	3/22/91 15 Ill. Reg. 4222	June 11, 1991
7/1/91	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	3/29/91 15 Ill. Reg. 4497	June 11, 1991
7/1/91	Department of Employment Security, Supplemental Federal Benefits, Repeal of (56 Ill. Adm. Code 2875)	3/29/91 15 Ill. Reg. 4555	June 11, 1991
7/1/91	Department of Revenue, Charitable Games Act (86 Ill. Adm. Code 435)	2/8/91 15 Ill. Reg. 1748	June 11, 1991
7/1/91	Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)	3/8/91 15 Ill. Reg. 3417	June 11, 1991
7/1/91	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	2/22/91 15 Ill. Reg. 2908	June 11, 1991

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/1/91	Department of Nuclear Safety, Licensing of Radioactive Material (32 Ill. Adm. Code 330)	7/20/90 14 Ill. Reg. 11471	June 11, 1991
7/1/91	Department of Nuclear Safety, Use of Radionuclides in the Healing Arts (32 Ill. Adm. Code 335)	7/20/90 14 Ill. Reg. 11585	June 11, 1991
7/1/91	Department on Aging, Community Care Program (89 Ill. Adm. Code 240)	11/29/90 14 Ill. Reg. 18635	June 11, 1991

PROCLAMATION

91-247

ARTS EDUCATION WEEK

Whereas, the Illinois State Board of Education and the Illinois Alliance for Arts Education, in cooperation with the Illinois Arts Council and the Chicago Coalition for Arts in Education, are sponsoring the eighth annual Arts Education Week March 6-13; and

Whereas, Arts Education Week is dedicated to the celebration and importance of music, theatre, dance/movement, literary, media, and visual arts in the total education of all students; and

Whereas, the celebration aims at promoting awareness of arts in education, encouraging cooperative efforts among all arts organizations and schools, giving students opportunities to highlight their accomplishments in a variety of arts experiences, and providing a forum to demonstrate support of arts education; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 6-13, 1991, as ARTS EDUCATION WEEK in Illinois and urge all citizens to take part in this celebration and support the creative future of our youth.

Issued by the Governor May 10, 1991.

Filed with the Secretary of State May 20, 1991.

91-248

DUCKS FOR KIDS DAY

Whereas, the Windy City Rubber Duck Regatta is being held Saturday, June 1, 1991, to benefit a coalition of children's charities in Chicago; and

Whereas, sponsors donate five dollars per rubber duck, the numbered ducks are launched into the lagoon at Chicago's Jackson Park, and the sponsors of the first 50 ducks to cross the finish line in the 30-minute race win prizes; and

Whereas, the project's goal is to obtain sponsorship for 130,000 ducks, which would net \$650,000 in donations for the children's charities; and

Whereas, the event will also feature post-regatta activities and entertainment for sponsors and spectators;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1991, as DUCKS FOR KIDS DAY in Illinois.

Issued by the Governor May 10, 1991.

Filed with the Secretary of State May 20, 1991.

91-249

GRAMMY IN THE SCHOOLS DAY

Whereas, educating our citizens is one of the most important

responsibilities of the State of Illinois; and

Whereas, understanding and appreciating arts and music should be included in our educational programs to enhance the cultural awareness of our citizens; and

Whereas, the music industry has provided career opportunities for thousands of young people throughout our state and our nation; and

Whereas, the National Academy of Recording Arts and Sciences supports music education through programs such as Grammy in the Schools Day; and

Whereas, the Chicago city colleges, as well as schools in the Chicago metropolitan area and throughout our state, have joined with the National Academy of Recording Arts and Sciences to support music education; and

Whereas, corporate and institutional organizations have shown support for the initiative the National Academy of Recording Arts and Sciences has taken in promoting music education; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13, 1991, as GRAMMY IN THE SCHOOLS DAY in Illinois.

Issued by the Governor May 10, 1991.

Filed with the Secretary of State May 20, 1991.

91-250

RAILROAD WOMEN'S DAY

Whereas, women in railroading have made vital contributions in their daily work by providing service to the public in times of peace and war; and

Whereas, the National Association of Railway Business Women strives to stimulate goodwill for the industry and promote public awareness of the energy efficiency of the railway as a transportation method; and

Whereas, National Transportation Week is being observed May 12-18, 1991, in recognition of the essential role of transportation in our country's economy and prosperity;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1991, as RAILROAD WOMEN'S DAY in Illinois.

Issued by the Governor May 10, 1991.

Filed with the Secretary of State May 20, 1991.

91-251

BUCKLE-UP AMERICA! WEEK

Whereas, motor vehicle crashes are the leading cause of violent deaths in the United States for people between the ages of six and 34. In 1989, they accounted for more than 45,555 deaths in the United States and 1,748 deaths in Illinois; and

Whereas, when used, lap and shoulder safety belts could reduce the risk of fatal or serious occupant injury by 45

percent; and

Whereas, the use of safety belts and child safety seats is known to be one of the best defenses against the drunk and drugged driver; and

Whereas, May 20-27 has been designated as Buckle Up America! Week. The observation issues a nationwide challenge and will give communities and organizations a unique opportunity to increase the correct use of safety restraints and devices by focusing public attention on the lifesaving benefits of these systems;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20-27, 1991, as BUCKLE-UP AMERICA! WEEK in Illinois. I call upon citizens to establish a goal of buckling up every time they travel in motor vehicles.

Issued by the Governor May 13, 1991.

Filed with the Secretary of State May 20, 1991.

91-252 HOSPITAL DAY

Whereas, the Illinois Hospital Association (IHA), a non-profit organization representing more than 200 hospitals in Illinois, serves as a health information resource to member hospitals, affiliated organizations, and the general public; and

Whereas, these IHA member hospitals serve their communities as health care guardians, acting through 24-hour professionally staffed emergency rooms to save lives, relieve pain, and ease suffering; and

Whereas, Illinois hospitals serve their communities by providing a continuum of consistently high quality inpatient and outpatient health care services to all residents; and

Whereas, Illinois hospitals serve their communities as educators, using health awareness programs, informational publications, and health counseling services to help people make personal lifestyle decisions and changes which can enhance the quality, length, and productivity of their lives; and

Whereas, Illinois hospitals serve the economy of their communities as a major employer, providing thousands of jobs and career opportunities throughout our state; and

Whereas, Illinois hospitals serve their communities through a network of active, caring volunteers who selflessly donate their time and talents to enhance the overall quality of patient care and life within their communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1991, as HOSPITAL DAY in Illinois.

Issued by the Governor May 13, 1991.

Filed with the Secretary of State May 20, 1991.

91-253 KOREA UNIFICATION DAY

Whereas, the conclusion of World War II on August 14, 1945, also ended the occupation of Korea by the Imperial Military Forces of Japan from 1910 to 1945; and

Whereas, to bring about the liberation of the Korean people from the Japanese occupation, Korea was divided by the 38th Parallel. The United States was assigned to rehabilitate Korea south of the 38th Parallel, and the Republic of Soviet Union was to do likewise north of the 38th Parallel; and

Whereas, since 1945, the division of the Korean people into North Korea and South Korea has caused the continued separation of more than 10 million Korean families; and

Whereas, the Communist North Korean government has denied the many attempts to allow an exchange of communication between Korean families in North and South Korea; and

Whereas, through efforts of the Midwest Korean-American Northerners Federation, the citizens of the Republic of Korea in the South Korea sector and the Korean Community in the State of Illinois, join together each year to observe a day of prayer and meditation for the families residing in North Korea;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 13, 1991, as KOREA UNIFICATION DAY in Illinois.

Issued by the Governor May 13, 1991.

Filed with the Secretary of State May 20, 1991.

91-254 NEUROFIBROMATOSIS AWARENESS MONTH

Whereas, neurofibromatosis (NF) is recognized as one of the most common neurological disorders but is one of the least understood genetically; and

Whereas, NF affects more than 100,000 Americans and occurs once in every 3,000 births. It is more common than muscular dystrophy, sick-cell anemia, and Tay-Sachs' disease; and

Whereas, NF may affect all organs and organ systems and can lead to bone defects, disfigurements, and scoliosis, as well as to life-threatening forms of neurological impairments, brain tumors, and spinal tumors; and

Whereas, NF is characterized by abnormal tumor growth at nerve endings. Two of its most common signs are dark patches of skin and benign skin tumors; and

Whereas, The National Neurofibromatosis Foundation and its Illinois chapter strive to assist afflicted individuals and their families through education, support, and medical records;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1991 as NEUROFIBROMATOSIS AWARENESS MONTH in Illinois to increase public awareness of this serious disorder and the many health problems it may cause.

Issued by the Governor May 13, 1991.

Filed with the Secretary of State May 20, 1991.

91-257

CROHN'S AND COLITIS AWARENESS WEEK

91-255

RICHARD H. NEWHOUSE DAY

Whereas, Senator Richard H. Newhouse Jr. is a senior-ranking member of the Illinois General Assembly, having served 23 years in the Illinois Senate; and

Whereas, Senator Newhouse represents Chicago's 13th district and has consistently sponsored and supported innovative legislation in the areas of employment and training, housing, economic development, public health and welfare, and civil and human rights; and

Whereas, at its 55th Annual Board meeting Luncheon May 17, the National Conference of Christian and Jews (NCCJ) is honoring Senator Newhouse with the NCCJ Founders Award;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17, 1991, as RICHARD H. NEWHOUSE DAY in Illinois and commend him on the distinguished service and leadership he has shown in the area of human relations.

Issued by the Governor May 13, 1991.

Filed with the Secretary of State May 20, 1991.

91-256

AMERICAN GI FORUM DAY

Whereas, thousands of Hispanic Americans served our country in World War II, returning home only to face denial of their rights as veterans and those basic American freedoms for which they had fought so hard; and

Whereas, in response to this injustice, the American GI Forum of the United States was founded in 1948 with the help of Dr. Hector Garcia. Dr. Garcia later became the first Hispanic commissioner of the U.S. Commission on Civil Rights and in 1984, was given the "Presidential Medal of Freedom" for his service to his country and his dedication to improving the lot of Americans of Hispanic descent; and

Whereas, the American GI Forum is the nation's largest Hispanic veterans organization and has served the community and veterans of this country for more than forty years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1991, as AMERICAN GI FORUM DAY in Illinois and urge all citizens to recognize the contributions our Hispanic veterans have made to this great country.

Issued by the Governor May 14, 1991.

Filed with the Secretary of State May 20, 1991.

91-257

CROHN'S AND COLITIS AWARENESS WEEK

Whereas, it is estimated that two million Americans are afflicted with Crohn's disease and ulcerative colitis--painful, crippling and chronic intestinal illnesses that have especially severe effects on children; and

Whereas, medical science has not yet been able to discover the causes or cure for Crohn's disease or ulcerative colitis. The chief hope lies in continued research and increased public awareness of these serious and widespread diseases; and

Whereas, the Crohn's & Colitis Foundation of America, Inc., a nonprofit voluntary health organization, has long been active in the quest to conquer these diseases and to educate the public about symptoms and treatments; and

Whereas, the Foundation, through the Greater Chicago Carol Fisher Chapter, provides worthwhile services such as educational programs and support groups designed to provide patients and their families an opportunity to meet in an informal setting with others who share similar problems; and

Whereas, it is especially fitting that the people of Illinois acknowledge the dedicated efforts of this fine organization and its goals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the week of May 19, 1991, as CROHN'S AND COLITIS AWARENESS WEEK in Illinois and urge all citizens to be cognizant and supportive of the efforts displayed by the Greater Chicago Carol Fisher Chapter of the Crohn's & Colitis Foundation of America, Inc.

Issued by the Governor May 14, 1991.

Filed with the Secretary of State May 20, 1991.

91-258

DR. DONALD MIEDEMA CONGRATULATED

Whereas, Dr. Donald Miedema has served in the educational field for 42 years, 14 of which were as the Springfield Superintendent of Schools; and

Whereas, Dr. Miedema has a strong belief in meeting the individual needs of students; and

Whereas, throughout his years in Springfield, Dr. Miedema has been an exceptional supporter of the Illinois Governmental Internship Program; and

Whereas, Dr. Donald Miedema is retiring in June 1991 after years of hard work and dedication to the young people of our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate DR. DONALD MIEDEMA on his retirement and thank him for his untiring effort to making our educational system a success.

Issued by the Governor May 14, 1991.

Filed with the Secretary of State May 20, 1991.

91-259

REALTOR DAY

Whereas, the Illinois Association of REALTORS was founded in May 1916 as the "voice for real estate in Illinois"; and
Whereas, for 75 years, the association has worked to promote and enforce high ethical standards in real estate transactions and has helped Illinoisans pursue their dreams of homeownership; and

Whereas, the Illinois Association of REALTORS remains committed to preserving the right of real property ownership; and
Whereas, the Illinois Association of REALTORS continues to recommend and promote legislation to safeguard and advance the interests of property ownership in our state; and

Whereas, the association has worked to attain affordable housing, better housing standards, improved home financing, community revitalization, and property protection for our citizens; and

Whereas, the association also seeks to provide an avenue for education, research, and exchange of information for its members, the public, and state and local governments to preserve the free enterprise system and the right of free people to own real property;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1991, as REALTOR DAY in Illinois in recognition of the Illinois Association of REALTORS' 75th anniversary.

Issued by the Governor May 14, 1991.

Filed with the Secretary of State May 20, 1991.

91-260

RSVP DAY

Whereas, the Retired Senior Volunteer Program (RSVP) provides a valuable service to the Quad-City area by making it possible for many retired citizens to serve their community; and

Whereas, more than 1,240 seniors are actively involved with the RSVP of the Greater Quad Cities; and

Whereas, RSVP members apply the skills learned over a lifetime to help public and private nonprofit agencies meet citizens' needs; and

Whereas, the services the RSVP members perform include tutoring, delivering meals to shut-ins, and transporting people to cancer or dialysis treatments. In addition, the members serve as translators and librarians, as well as clerical helpers in government offices; and

Whereas, in 1990, RSVP members donated more than 244,414 hours of community service, saving Quad City taxpayers more than one million dollars; and

Whereas, RSVP members will be honored at the program's Annual Recognition Luncheon May 17, 1991;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17, 1991, as RSVP DAY in Illinois in recognition of the valuable services the members provide to Quad-City area citizens.

Issued by the Governor May 14, 1991.

Filed with the Secretary of State May 20, 1991.

91-261

ANGEL OF THE NIGHT MONTH

Whereas, the Honor of Humanity Project, a cooperative effort of Evanston's National-Louis University and The Avenue of the Righteous, was launched in 1990 for the purpose of encouraging the public to examine the universal values of courage, compassion, heroism, sacrifice, and honor; and

Whereas, several events are being planned as part of the Honor of Humanity Project including an exhibit of Polish historical posters and the premiere of "Angel in the Night," an original, 90-minute drama based on the true-life story of a teenaged, Polish Catholic girl who saved the lives of four Jewish people during the Nazi occupation of Poland in the 1940s; and

Whereas, "Angel in the Night" is the cornerstone of the Honor of Humanity Project. This premiere is part of a fundraising effort that will assist in the production of the play and the development of Holocaust study guide materials for schools;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1991 as ANGEL OF THE NIGHT MONTH in Illinois.

Issued by the Governor May 15, 1991.

Filed with the Secretary of State May 20, 1991.

91-262

JTPA ALUMNI WEEK

Whereas, the federally funded Job Training Partnership Act (JTPA), through local service providers in Illinois, gives the state its most valuable resource in the form of a well-trained, productive work force; and

Whereas, JTPA is an effective program for assisting school dropouts, welfare recipients, dislocated workers, and others who face serious barriers to employment; and

Whereas, all partners in the JTPA system (federal, state, and local governments, business, labor, education, and community-based organizations and service providers) must assume an active role in effectively communicating the success of the program; and

Whereas, National JTPA Alumni Week has been established to honor the accomplishments of JTPA;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim August 26-September 2, 1991, as JTPA ALUMNI WEEK in Illinois in support of the JTPA program and in honor of the program's participants who have achieved gainful employment and economic self-sufficiency in our state.

Issued by the Governor May 15, 1991.

Filed with the Secretary of State May 20, 1991.

91-263

CITIZENS SCHOOLS COMMITTEE 11TH ANNUAL AWARDS DINNER DAY

Whereas, the Citizens Schools Committee in Chicago is conducting its 11th Annual Awards Dinner in the Grand Ballroom of the Palmer House, 17 East Monroe Street, Wednesday, May 22, 1991; and

Whereas, the Citizens Schools Committee is honoring public school principals through its Borg-Warner Award for Outstanding School Leadership and is honoring exemplary public school programs through its Local School Improvement Award; and

Whereas, the need to recognize and reward excellence in public school improvement and leadership in Chicago is greater than ever as parents, teachers, administrators, students, community members, and other concerned citizens diligently work to make school reform a reality; and

Whereas, the Citizens Schools Committee is distinguished among organizations promoting and supporting excellence in public education by its longstanding involvement in this effort, its diverse city wide membership, and its widespread recognition as a voice for all citizens concerned about the quality of education for all children in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1991, CITIZENS SCHOOLS COMMITTEE 11TH ANNUAL AWARDS DINNER DAY in Illinois and salute the Citizens Schools Committee for its outstanding efforts to inform, inspire and mobilize citizens to work together to create effective, responsive and innovative schools for Chicago's children.

Issued by the Governor May 16, 1991.

Filed with the Secretary of State May 20, 1991.

91-264

POM PON APPRECIATION DAY

Whereas, 1,000 young women from 50 midwestern high school pom pon squads will be demonstrating their hard work and talents at the Allstate Open Pom Pon competition; and

Whereas, several groups of young women from Illinois will be participating in the competition to be held August 4 at the Wisconsin State Fair; and

Whereas, participation in pom pon squads can help promote responsibility, increase awareness of women's athletics, emphasize good health, and strengthen community pride;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 4, 1991, as POM PON APPRECIATION DAY in Illinois. Issued by the Governor May 16, 1991.

Filed with the Secretary of State May 20, 1991.

91-265

TAKE PRIDE IN ILLINOIS SCHOOLS WEEK

Whereas, the quality of our lives and the economic success of this state are dependent upon the ability of our schools to prepare young people today for tomorrow's challenges; and

Whereas, all Illinois citizens should make a commitment to working for the development of a fair system of education that guarantees all children the opportunity to develop fully and demonstrate acquired skills; and

Whereas, parental and community involvement in our children's educational process supports the efforts of educators in helping children achieve academic success and enhances school accountability for school improvement;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20-24, 1991, as TAKE PRIDE IN ILLINOIS SCHOOLS WEEK and urge all parents, educators, and communities to combine their efforts in strengthening schools throughout the state.

Issued by the Governor May 16, 1991.

Filed with the Secretary of State May 20, 1991.

91-266

TALENT-LINKAGE-CHICAGO DAY

Whereas, the State of Illinois and the City of Chicago are nationally acclaimed centers for theatre and film; and

Whereas, The Theatre School, DePaul University, was founded in 1925 as the Goodman School of Drama at the Art Institute of Chicago; and

Whereas, the 41 graduates of the Class of 1991 will present a showcase of their work to directors, casting agents, and theatre professionals from throughout the nation at the 11th Talent-Linkage-Chicago Day June 8; and

Whereas, these young people hope to follow in the footsteps of such noted alumni as Geraldine Page, Linda Hunt, Karl Malden, Joe Mantegna, and costume designer Theoni V. Aldridge;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 8, 1991, as TALENT-LINKAGE-CHICAGO DAY in Illinois. I extend my personal congratulations to the Theatre School of DePaul University on the occasion of its 66th Anniversary and commend it for the outstanding contributions it has made to theatre arts in Illinois.

Issued by the Governor May 16, 1991.

Filed with the Secretary of State May 20, 1991.

91-267

TURKEY LOVERS MONTH

Whereas, the State of Illinois raised 4,460,000 Turkeys in 1990, more than ten times as many as in 1985; and
 Whereas, during their lifetimes, these turkeys will consume 3.7 million bushels of corn and more than 12.8 thousand tons of soybean meal produced here in Illinois; and
 Whereas, turkey consumption has increased from 12.1 pounds to 17.6 pounds per capita from 1985 to 1990; and
 Whereas, Illinois has two plants that specialize in the further processing of turkey meat;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1991 as TURKEY LOVERS MONTH in Illinois.

Issued by the Governor May 16, 1991.

Filed with the Secretary of State May 20, 1991.

91-268

CACHE RIVER STATE NATURAL AREA

Whereas, the Cache River Valley of Southern Illinois nurtures a treasury of natural wonders of great value to the people of Illinois. Its forest and swamps are home to conditions reminiscent of the virgin landscape that greeted Southern Illinois' first settlers--the region's Natural Heritage; and

Whereas, here, the visitor can peer into the past at ancient bald cypress trees that are among the oldest and largest living things in the state. He can gaze in wonderment at vast skeins of waterfowl of glide along in a canoe listening for the call of the rare green tree frog or hoping to catch a glimpse of the elusive prothonotary warbler; and

Whereas, much of our natural heritage has yielded to the axe, plow and dredge, making surviving examples such as the Lower Cache River highly significant remnants of inestimable value; and
 Whereas, this heritage will not survive without our protection and careful stewardship. Recognizing this need, the State of Illinois, through the Department of Conservation, began purchasing land along the Cache River in 1970. Nearly 9,000 acres are now owned by the people of Illinois, with additional acres soon to be acquired; and

Whereas, in cooperation with the Illinois Nature Preserves Commission, the Department of Conservation has set aside more than 2,000 of these acres as Illinois Nature Preserves, including most recently the 326-acre parcel known as Section 8 Woods; and
 Whereas, all of these lands are held in public trust for the enjoyment and education of this and future generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim these acres and future additions to them as CACHE RIVER STATE NATURAL AREA in Illinois.

Issued by the Governor May 18, 1991.

Filed with the Secretary of State May 20, 1991.

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ACTION CODES		JCAR - Joint Committee on Administrative Rules	
		Rules	
A - Adopted Rule	P - Proposed Rule		
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR		
C - Notice of Corrections	PP - Peremptory or Court ordered Rules		
CC - Codification Changes	PR - Proposed Repealer		
E - Emergency Rule	R - Refusal to meet JCAR objection		
ER - Emergency Repealer	RC - Statement of Recommendation		
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR		
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections		

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8 Ill. Adm. Code 285	Ill. Grain Insurance Act (P-18048/85; A-6818)				
TITLE	PART	ACTION CODE	PAGE NUMBER	PAGE NUMBER	ACTION CODE
			PREVIOUS VOLUME		

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117)
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91-232	Stamp Collecting Week	7808
91-233	Governor's Cup Weekend	8073
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TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= JCAR Objection
		P	= Proposed rule
		PP	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= JCAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

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SECTIONS AFFECTED INDEX			MAY 31, 1991					
VOL. 15, ISSUE #22	TILE 11 (CONT'D)		TILE 12 (CONT'D)		TILE 13			
440.10	(P-8975/90; A-3492)	am	510.10	(P-677)	am	475.110	(P-6343)	n
440.20	(P-8975/90; A-3492)	am	510.20	(P-677)	am	475.210	(P-6343)	n
440.30	(P-8975/90; A-3492)	am	510.30	(P-677)	am	475.220	(P-6343)	n
440.40	(P-8975/90; A-3492)	am	510.40	(P-677)	am	475.230	(P-6343)	n
440.50	(P-8975/90; A-3492)	am	510.50	(P-677)	am	475.240	(P-6343)	n
440.60	(P-8975/90; A-3492)	am	510.60	(P-677)	am	475.250	(P-6343)	n
440.70	(P-8975/90; A-3492)	am	510.70	(P-677)	am	475.260	(P-6343)	n
440.80	(P-8975/90; A-3492)	am	510.80	(P-677)	am	475.270	(P-6343)	n
440.90	(P-8975/90; A-3492)	am	510.90	(P-677)	am	475.280	(P-6343)	n
441.00	(P-8975/90; A-3492)	am	510.100	(P-13072/90; A-2673)	n	475.290	(P-6343)	n
441.10	(P-8975/90; A-3492)	am	510.110	(P-13072/90; A-2673)	n	475.300	(P-6343)	n
441.20	(P-8975/90; A-3492)	am	510.120	(P-13072/90; A-2673)	n	475.310	(P-6343)	n
441.30	(P-8975/90; A-3492)	am	510.130	(P-13072/90; A-2673)	n	475.320	(P-6343)	n
441.40	(P-8975/90; A-3492)	am	510.140	(P-13072/90; A-2673)	n	475.330	(P-6343)	n
441.50	(P-8975/90; A-3492)	am	510.150	(P-13072/90; A-2673)	n	475.340	(P-6343)	n
441.60	(P-8975/90; A-3492)	am	510.160	(P-13072/90; A-2673)	n	475.350	(P-6343)	n
441.70	(P-8975/90; A-3492)	am	510.170	(P-13072/90; A-2673)	n	475.360	(P-6343)	n
441.80	(P-8975/90; A-3492)	am	510.180	(P-13072/90; A-2673)	n	475.370	(P-6343)	n
441.90	(P-8975/90; A-3492)	am	510.190	(P-13072/90; A-2673)	n	475.380	(P-6343)	n
442.00	(P-8975/90; A-3492)	am	510.200	(P-13072/90; A-2673)	n	475.390	(P-6343)	n
442.10	(P-8975/90; A-3492)	am	510.210	(P-13072/90; A-2673)	n	475.400	(P-6343)	n
442.20	(P-8975/90; A-3492)	am	510.220	(P-13072/90; A-2673)	n	475.410	(P-6343)	n
442.30	(P-8975/90; A-3492)	am	510.230	(P-13072/90; A-2673)	n	475.420	(P-6343)	n
442.40	(P-8975/90; A-3492)	am	510.240	(P-13072/90; A-2673)	n	475.430	(P-6343)	n
442.50	(P-8975/90; A-3492)	am	510.250	(P-13072/90; A-2673)	n	475.440	(P-6343)	n
442.60	(P-8975/90; A-3492)	am	510.260	(P-13072/90; A-2673)	n	475.450	(P-6343)	n
442.70	(P-8975/90; A-3492)	am	510.270	(P-13072/90; A-2673)	n	475.460	(P-6343)	n
442.80	(P-8975/90; A-3492)	am	510.280	(P-13072/90; A-2673)	n	475.470	(P-6343)	n
442.90	(P-8975/90; A-3492)	am	510.290	(P-13072/90; A-2673)	n	475.480	(P-6343)	n
443.00	(P-8975/90; A-3492)	am	510.300	(P-13072/90; A-2673)	n	475.490	(P-6343)	n
443.10	(P-8975/90; A-3492)	am	510.310	(P-13072/90; A-2673)	n	475.500	(P-6343)	n
443.20	(P-8975/90; A-3492)	am	510.320	(P-13072/90; A-2673)	n	475.510	(P-6343)	n
443.30	(P-8975/90; A-3492)	am	510.330	(P-13072/90; A-2673)	n	475.520	(P-6343)	n
443.40	(P-8975/90; A-3492)	am	510.340	(P-13072/90; A-2673)	n	475.530	(P-6343)	n
443.50	(P-8975/90; A-3492)	am	510.350	(P-13072/90; A-2673)	n	475.540	(P-6343)	n
443.60	(P-8975/90; A-3492)	am	510.360	(P-13072/90; A-2673)	n	475.550	(P-6343)	n
443.70	(P-8975/90; A-3492)	am	510.370	(P-13072/90; A-2673)	n	475.560	(P-6343)	n
443.80	(P-8975/90; A-3492)	am	510.380	(P-13072/90; A-2673)	n	475.570	(P-6343)	n
443.90	(P-8975/90; A-3492)	am	510.390	(P-13072/90; A-2673)	n	475.580	(P-6343)	n
444.00	(P-8975/90; A-3492)	am	510.400	(P-13072/90; A-2673)	n	475.590	(P-6343)	n
444.10	(P-8975/90; A-3492)	am	510.410	(P-13072/90; A-2673)	n	475.600	(P-6343)	n
444.20	(P-8975/90; A-3492)	am	510.420	(P-13072/90; A-2673)	n	475.610	(P-6343)	n
444.30	(P-8975/90; A-3492)	am	510.430	(P-13072/90; A-2673)	n	475.620	(P-6343)	n
444.40	(P-8975/90; A-3492)	am	510.440	(P-13072/90; A-2673)	n	475.630	(P-6343)	n
444.50	(P-8975/90; A-3492)	am	510.450	(P-13072/90; A-2673)	n	475.640	(P-6343)	n
444.60	(P-8975/90; A-3492)	am	510.460	(P-13072/90; A-2673)	n	475.650	(P-6343)	n
444.70	(P-8975/90; A-3492)	am	510.470	(P-13072/90; A-2673)	n	475.660	(P-6343)	n
444.80	(P-8975/90; A-3492)	am	510.480	(P-13072/90; A-2673)	n	475.670	(P-6343)	n
444.90	(P-8975/90; A-3492)	am	510.490	(P-13072/90; A-2673)	n	475.680	(P-6343)	n
445.00	(P-8975/90; A-3492)	am	510.500	(P-13072/90; A-2673)	n	475.690	(P-6343)	n
445.10	(P-8975/90; A-3492)	am	510.510	(P-13072/90; A-2673)	n	475.700	(P-6343)	n
445.20	(P-8975/90; A-3492)	am	510.520	(P-13072/90; A-2673)	n	475.710	(P-6343)	n
445.30	(P-8975/90; A-3492)	am	510.530	(P-13072/90; A-2673)	n	475.720	(P-6343)	n
445.40	(P-8975/90; A-3492)	am	510.540	(P-13072/90; A-2673)	n	475.730	(P-6343)	n
445.50	(P-8975/90; A-3492)	am	510.550	(P-13072/90; A-2673)	n	475.740	(P-6343)	n
445.60	(P-8975/90; A-3492)	am	510.560	(P-13072/90; A-2673)	n	475.750	(P-6343)	n
445.70	(P-8975/90; A-3492)	am	510.570	(P-13072/90; A-2673)	n	475.760	(P-6343)	n
445.80	(P-8975/90; A-3492)	am	510.580	(P-13072/90; A-2673)	n	475.770	(P-6343)	n
445.90	(P-8975/90; A-3492)	am	510.590	(P-13072/90; A-2673)	n	475.780	(P-6343)	n
446.00	(P-8975/90; A-3492)	am	510.600	(P-13072/90; A-2673)	n	475.790	(P-6343)	n
446.10	(P-8975/90; A-3492)	am	510.610	(P-13072/90; A-2673)	n	475.800	(P-6343)	n
446.20	(P-8975/90; A-3492)	am	510.620	(P-13072/90; A-2673)	n	475.810	(P-6343)	n
446.30	(P-8975/90; A-3492)	am	510.630	(P-13072/90; A-2673)	n	475.820	(P-6343)	n
446.40	(P-8975/90; A-3492)	am	510.640	(P-13072/90; A-2673)	n	475.830	(P-6343)	n
446.50	(P-8975/90; A-3492)	am	510.650	(P-13072/90; A-2673)	n	475.840	(P-6343)	n
446.60	(P-8975/90; A-3492)	am	510.660	(P-13072/90; A-2673)	n	475.850	(P-6343)	n
446.70	(P-8975/90; A-3492)	am	510.670	(P-13072/90; A-2673)	n	475.860	(P-6343)	n
446.80	(P-8975/90; A-3492)	am	510.680	(P-13072/90; A-2673)	n	475.870	(P-6343)	n
446.90	(P-8975/90; A-3492)	am	510.690	(P-13072/90; A-2673)	n	475.880	(P-6343)	n
447.00	(P-8975/90; A-3492)	am	510.700	(P-13072/90; A-2673)	n	475.890	(P-6343)	n
447.10	(P-8975/90; A-3492)	am	510.710	(P-13072/90; A-2673)	n	475.900	(P-6343)	n
447.20	(P-8975/90; A-3492)	am	510.720	(P-13072/90; A-2673)	n	475.910	(P-6343)	n
447.30	(P-8975/90; A-3492)	am	510.730	(P-13072/90; A-2673)	n	475.920	(P-6343)	n
447.40	(P-8975/90; A-3492)	am	510.740	(P-13072/90; A-2673)	n	475.930	(P-6343)	n
447.50	(P-8975/90; A-3492)	am	510.750	(P-13072/90; A-2673)	n	475.940	(P-6343)	n
447.60	(P-8975/90; A-3492)	am	510.760	(P-13072/90; A-2673)	n	475.950	(P-6343)	n
447.70	(P-8975/90; A-3492)	am	510.770	(P-13072/90; A-2673)	n	475.960	(P-6343)	n
447.80	(P-8975/90; A-3492)	am	510.780	(P-13072/90; A-2673)	n	475.970	(P-6343)	n
447.90	(P-8975/90; A-3492)	am	510.790	(P-13072/90; A-2673)	n	475.980	(P-6343)	n
448.00	(P-8975/90; A-3492)	am	510.800	(P-13072/90; A-2673)	n	475.990	(P-6343)	n
448.10	(P-8975/90; A-3492)	am	510.810	(P-13072/90; A-2673)	n	476.000	(P-6343)	n
448.20	(P-8975/90; A-3492)	am	510.820	(P-13072/90; A-2673)	n	476.010	(P-6343)	n
448.30	(P-8975/90; A-3492)	am	510.830	(P-13072/90; A-2673)	n	476.020	(P-6343)	n
448.40	(P-8975/90; A-3492)	am	510.840	(P-13072/90; A-2673)	n	476.030	(P-6343)	n
448.50	(P-8975/90; A-3492)	am	510.850	(P-13072/90; A-2673)	n	476.040	(P-6343)	n
448.60	(P-8975/90; A-3492)	am	510.860	(P-13072/90; A-2673)	n	476.050	(P-6343)	n
448.70	(P-8975/90; A-3492)	am	510.870	(P-13072/90; A-2673)	n	476.060	(P-6343)	n
448.80	(P-8975/90; A-3492)	am	510.880	(P-13072/90; A-2673)	n	476.070	(P-6343)	n
448.90	(P-8975/90; A-3492)	am	510.890	(P-13072/90; A-2673)	n	476.080	(P-6343)	n
449.00	(P-8975/90; A-3492)	am	510.900	(P-13072/90; A-2673)	n	476.090	(P-6343)	n
449.10	(P-8975/90; A-3492)	am	510.910	(P-13072/90; A-2673)	n	476.100	(P-6343)	n
449.20	(P-8975/90; A-3492)	am	510.920	(P-13072/90; A-2673)	n	476.110	(P-6343)	n
449.30	(P-8975/90; A-3492)	am	510.930	(P-13072/90; A-2673)	n	476.120	(P-6343)	n
449.40	(P-8975/90; A-3492)	am	510.940	(P-13072/90; A-2673)	n	476.130	(P-6343)	n
449.50	(P-8975/90; A-3492)	am	510.950	(P-13072/90; A-2673)	n	476.140	(P-6343)	n
449.60	(P-8975/90; A-3492)	am	510.960	(P-13072/90; A-2673)	n	476.150	(P-6343)	n
449.70	(P-8975/90; A-3492)	am	510.970	(P-13072/90; A-2673)	n	476.160	(P-6343)	n
449.80	(P-8975/90; A-3492)	am	510.980	(P-13072/90; A-2673)	n	476.170	(P-6343)	n
449.90	(P-8975/90; A-3492)	am	510.990	(P-13072/90; A-2673)	n	476.180	(P-6343)	n
450.00	(P-8975/90; A-3492)	am	511.000	(P-13072/90; A-2673)	n	476.190	(P-6343)	n
450.10	(P-8975/90; A-3492)	am	511.010	(P-13072/90; A-2673)	n	476.200	(P-6343)	n
450.20	(P-8975/90; A-3492)	am	511.020	(P-13072/90; A-2673)	n	476.210	(P-6343)	n
450.30	(P-8975/90; A-3492)	am	511.030	(P-13072/90; A-2673)	n	476.220	(P-6343)	n
450.40	(P-8975/90; A-3492)	am	511.040	(P-13072/90; A-2673)	n	476.230	(P-6343)	n
450.50	(P-8975/90; A-3492)	am	511.050	(P-13072/90; A-2673)	n	476.240	(P-6343)	n
450.60	(P-8975/90; A-3492)	am	511.060	(P-13072/90; A-2673)	n	476.250	(P-6343)	n
450.70	(P-8975/90; A-3492)	am	511.070	(P-13072/90; A-2673)	n	476.260	(P-6343)	n
450.80	(P-8975/90; A-3492)	am	511.080	(P-13072/90; A-2673)	n	476.270	(P-6343)	n
450.90	(P-8975/90; A-3492)	am	511.090	(P-13072/90; A-2673)	n	476.280	(P-6343)	n
451.00	(P-8975/90; A-3492)	am	511.100	(P-13072/90; A-2673)	n	476.290	(P-6343)	n
451.10	(P-8975/90; A-3492)	am	511.110	(P-13072/90; A-2673)	n	476.300	(P-6343)	n
451.20	(P-8975/90; A-3492)	am	511.120	(P-13072/90; A-2673)	n	476.310	(P-6343)	n
451.30	(P-8975/90; A-3492)	am	511.130	(P-13072/90; A-2673)	n	476.320	(P-6343)	n
451.40								

TITLE 17 (CONT'D)		TITLE 26 (CONT'D)		TITLE 32		TITLE 35		TITLE 36	
950.40	am	(P-6807)	460.50	am	(P-18421/90; A-3479)	125.425	am	(P-5943)	215.108
950.50	am	(P-6807)	460.60	am	(P-18421/90; A-3479)	210.10	n	(P-3814/90; A-4450)	215.123
1070.20	am	(P-7855)	460.70	am	(P-18421/90; A-3479)	210.4p.A	n		215.480
1535.10	n	(P-20117/90; A-5219)	460.80	am	(P-18421/90; A-3479)				215.481
1590.50	am	(P-16174/90; A-32)	502.20	am	(P-5935)				215.482
1590.80	am	(P-16174/90; A-32)	701.270	am	(P-7861)				215.483
1590.90	am	(P-16174/90; A-32)	1215.10	n	(P-12398/90; A-1107)	331.10	am	(P-15672/90; A-90)	215.484
2520.50	am	(P-725; A-7653)	1215.20	n	(P-12398/90; A-1107)	331.30	am	(P-15672/90; A-90)	215.485
2520.10	am	(P-3655)	1215.30	n	(P-12398/90; A-1107)	331.110	am	(P-15672/90; A-90)	215.486
2550.15	n	(P-3655)	1215.40	n	(P-12398/90; A-1107)	331.120	am	(P-15672/90; A-90)	215.487
3035.10	am	(P-18365/90; A-4117)	1215.50	n	(P-12398/90; A-1107)	331.130	n	(P-15672/90; A-90)	215.488
3035.30	am	(P-18365/90; A-4117)	1225.10	n	(P-16847/90; A-5886)	331.200	am	(P-15672/90; A-90)	215.489
3035.40	am	(P-18365/90; A-4117)	1225.20	n	(P-16847/90; A-5886)	331.210	r	(P-15672/90; A-90)	215.490
3035.50	am	(P-18365/90; A-4117)	1225.30	n	(P-16847/90; A-5886)	331.310	am	(P-15672/90; A-90)	215.491
3035.60	am	(P-18365/90; A-4117)	1225.40	n	(P-16847/90; A-5886)	331.4p.B	n	(P-15672/90; A-90)	215.581
3035.70	am	(P-18365/90; A-4117)	1225.50	n	(P-16847/90; A-5886)	331.4p.C	n	(P-15672/90; A-90)	215.585
3040.Ap. B	n	(P-18380/90; A-4132)	1560.10	n	(P-8800/90; A-7034)	360.20	am	(P-6940/90; A-6180)	218.100
3040.Ap. C	n	(P-18380/90; A-4132)	1560.20	n	(P-8800/90; A-7034)	360.30	am	(P-6940/90; A-6180)	218.101
3040.Ap. D	n	(P-18380/90; A-4132)	1560.30	n	(P-8800/90; A-7034)	360.40	am	(P-6940/90; A-6180)	218.102
3040.Ap. E	n	(P-18380/90; A-4132)	1560.40	n	(P-8800/90; A-7034)	360.60	am	(P-6940/90; A-6180)	218.103
3040.Ap. F	n	(P-18380/90; A-4132)	1560.50	n	(P-8800/90; A-7034)	360.20	am	(P-6940/90; A-6180)	218.104
3040.Ap. G	n	(P-18380/90; A-4132)	1720.30	am	(P-16198/90; A-999)	360.70	am	(P-6940/90; A-6180)	218.105
4160.10	n	(P-1680)	1720.4p.A	am	(P-16198/90; A-999)	360.71	n	(P-6940/90; A-6180)	218.106
4160.20	n	(P-1680)				360.4p.A	n	(P-6940/90; A-6180)	218.107
4160.30	n	(P-1680)				360.11. A	n	(P-6940/90; A-6180)	218.108
4160.40	n	(P-1680)				360.11. B	n	(P-6940/90; A-6180)	218.109
4160.50	n	(P-1680)				360.11. C	n	(P-6940/90; A-6180)	218.110
4160.60	n	(P-1680)				370.10	r	(P-11653/90; RC-8316)	218.111
4160.70	n	(P-1680)				370.25	r	(P-11653/90; RC-8316)	218.112
4160.80	n	(P-1680)				370.30	r	(P-11653/90; RC-8316)	218.121
4160.90	n	(P-1680)				370.40	r	(P-11653/90; RC-8316)	218.122
4160.100	n	(P-1680)				401.20	am	(P-1390; A-7054)	218.123
4160.110	n	(P-1680)				401.30	am	(P-1390; A-7054)	218.124
4160.120	n	(P-1680)				401.40	am	(P-1390; A-7054)	218.125
4160.130	n	(P-1680)				401.50	am	(P-1390; A-7054)	218.126
4160.140	n	(P-1680)				401.60	am	(P-1390; A-7054)	218.141
4160.160	n	(P-1680)				401.70	am	(P-1390; A-7054)	218.142
4160.170	n	(P-1680)				401.80	am	(P-1390; A-7054)	218.143
4160.180	n	(P-1680)				401.100	am	(P-1390; A-7054)	218.144
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218.427	n	(P-3675)	218.625	n	(P-3675)
218.428	n	(P-3675)	218.626	n	(P-3675)
218.429	n	(P-3675)	218.628	n	(P-3675)
218.430	n	(P-3675)	218.630	n	(P-3675)
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218.465	n	(P-3675)	218.960	n	(P-3675)
218.466	n	(P-3675)	218.963	n	(P-3675)
218.480	n	(P-3675)	218.966	n	(P-3675)
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218.483	n	(P-3675)	218.980	n	(P-3675)
218.484	n	(P-3675)	218.983	n	(P-3675)
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218.582	n	(P-3675)	219.105	n	(P-3892)
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219.144	n	(P-3892)	219.521	n	(P-3892)	219.521	n	(P-3892)	219.521	n	(P-3892)
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219.182	n	(P-3892)	219.527	n	(P-3892)	219.527	n	(P-3892)	219.527	n	(P-3892)
219.183	n	(P-3892)	219.541	n	(P-3892)	219.541	n	(P-3892)	219.541	n	(P-3892)
219.184	n	(P-3892)	219.561	n	(P-3892)	219.561	n	(P-3892)	219.561	n	(P-3892)
219.185	n	(P-3892)	219.562	n	(P-3892)	219.562	n	(P-3892)	219.562	n	(P-3892)
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219.204	n	(P-3892)	219.581	n	(P-3892)	219.581	n	(P-3892)	219.581	n	(P-3892)
219.205	n	(P-3892)	219.582	n	(P-3892)	219.582	n	(P-3892)	219.582	n	(P-3892)
219.206	n	(P-3892)	219.583	n	(P-3892)	219.583	n	(P-3892)	219.583	n	(P-3892)
219.207	n	(P-3892)	219.584	n	(P-3892)	219.584	n	(P-3892)	219.584	n	(P-3892)
219.208	n	(P-3892)	219.585	n	(P-3892)	219.585	n	(P-3892)	219.585	n	(P-3892)
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219.210	n	(P-3892)	219.602	n	(P-3892)	219.602	n	(P-3892)	219.602	n	(P-3892)
219.211	n	(P-3892)	219.603	n	(P-3892)	219.603	n	(P-3892)	219.603	n	(P-3892)
219.301	n	(P-3892)	219.604	n	(P-3892)	219.604	n	(P-3892)	219.604	n	(P-3892)
219.302	n	(P-3892)	219.605	n	(P-3892)	219.605	n	(P-3892)	219.605	n	(P-3892)
219.303	n	(P-3892)	219.606	n	(P-3892)	219.606	n	(P-3892)	219.606	n	(P-3892)
219.304	n	(P-3892)	219.607	n	(P-3892)	219.607	n	(P-3892)	219.607	n	(P-3892)
219.401	n	(P-3892)	219.608	n	(P-3892)	219.608	n	(P-3892)	219.608	n	(P-3892)
219.402	n	(P-3892)	219.609	n	(P-3892)	219.609	n	(P-3892)	219.609	n	(P-3892)
219.403	n	(P-3892)	219.610	n	(P-3892)	219.610	n	(P-3892)	219.610	n	(P-3892)
219.404	n	(P-3892)	219.611	n	(P-3892)	219.611	n	(P-3892)	219.611	n	(P-3892)
219.405	n	(P-3892)	219.612	n	(P-3892)	219.612	n	(P-3892)	219.612	n	(P-3892)
219.421	n	(P-3892)	219.613	n	(P-3892)	219.613	n	(P-3892)	219.613	n	(P-3892)
219.422	n	(P-3892)	219.620	n	(P-3892)	219.620	n	(P-3892)	219.620	n	(P-3892)
219.423	n	(P-3892)	219.621	n	(P-3892)	219.621	n	(P-3892)	219.621	n	(P-3892)
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814.901	n	(P-4604)	848.104	n	(P-7763/90; A-7959)
814.902	n	(P-4604)	848.105	n	(P-7763/90; A-7959)
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816.101	n	(P-4616)	848.205	n	(P-7763/90; A-7959)
816.102	n	(P-4616)	848.301	n	(P-7763/90; A-7959)
816.103	n	(P-4616)	848.302	n	(P-7763/90; A-7959)
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816.105	n	(P-4616)	848.304	n	(P-7763/90; A-7959)
816.106	n	(P-4616)	848.305	n	(P-7763/90; A-7959)
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816.111	n	(P-4616)	848.403	n	(P-7763/90; A-7959)
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816.115	n	(P-4616)	848.407	n	(P-7763/90; A-7959)
816.116	n	(P-4616)	848.408	n	(P-7763/90; A-7959)
816.117	n	(P-4616)	848.410	n	(P-7763/90; A-7959)
816.118	n	(P-4616)	848.411	n	(P-7763/90; A-7959)
816.119	n	(P-4616)	848.413	n	(P-7763/90; A-7959)
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816.124	n	(P-4616)	848.504	n	(P-7763/90; A-7959)
816.101	n	(P-4616)	848.505	n	(P-7763/90; A-7959)
817.101	n	(P-3173)	848.506	n	(P-7763/90; A-7959)
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817.103	n	(P-3173)	848.508	n	(P-7763/90; A-7959)
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 500.430 n (P-5179)
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 500.870 r (P-5162)
 500.880 r (P-5162)

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2875.15	r	(P-4555)	117.305	n	(P-14671/90; A-1511)		
2875.20	r	(P-4555)	117.310	n	(P-14671/90; A-1511)		
2875.25	r	(P-4555)	117.315	n	(P-14671/90; A-1511)		
2875.30	r	(P-4555)	117.320	n	(P-14671/90; A-1511)		
2875.35	r	(P-4555)	117.325	n	(P-14671/90; A-1511)		
2875.40	r	(P-4555)	117.330	n	(P-14671/90; A-1511)		
2875.45	r	(P-4555)	117.335	n	(P-14671/90; A-1511)		
2875.50	r	(P-4555)	117.340	n	(P-14671/90; A-1511)		
2875.55	r	(P-4555)	117.345	n	(P-14671/90; A-1511)		
2875.60	r	(P-4555)	117.350	n	(P-14671/90; A-1511)		
2920.1	am	(P-4555)	117 Ap. A	n	(P-14671/90; A-1511)		
2920.40	am	(P-13905/90; A-180)	117.II.A	n	(P-14671/90; A-1511)		
2920.48	n	(P-5495)	117.II.B	n	(P-14671/90; A-1511)		
2920.66	n	(P-5495)	117 Ap. B	n	(P-14671/90; A-1511)		
2920.69	n	(P-5495)	117.II.A	n	(P-14671/90; A-1511)		
6000.1	am	(P-2989/90; A-4109)	117.II.B	n	(P-14671/90; A-1511)		
6000.280	am	(P-2989/90; A-4109)	117.II.C	n	(P-14671/90; A-1511)		
6000.330	n	(P-2989/90; A-4109)	117.II.D	n	(P-14671/90; A-1511)		
			117.II.E	am	(P-14671/90; A-1511)		
			130.11	am	(E-18100/90; O-21140/90; R-1171)		
			130.20	am	(E-18100/90; O-21140/90; R-1171)		
			130.30	am	(E-18100/90; O-21140/90; R-1171)		
			130.40	am	(E-18100/90; O-21140/90; R-1171)		
			130.60	am	(E-18100/90; O-21140/90; R-1171)		
			130.70	am	(E-18100/90; O-21140/90; R-1171)		
			130.80	am	(E-18100/90; O-21140/90; R-1171)		
			130.90	r	(E-18100/90; O-21140/90; R-1171)		
			130.100	am	(E-18100/90; O-21140/90; R-1171)		
			130.110	am	(E-18100/90; O-21140/90; R-1171)		
			130.120	am	(E-18100/90; O-21140/90; R-1171)		
			130.130	am	(E-18100/90; O-21140/90; R-1171)		
			130.140	am	(E-18100/90; O-21140/90; R-1171)		
			130.150	am	(E-18100/90; O-21140/90; R-1171)		
			130.160	am	(E-18100/90; O-21140/90; R-1171)		
			130.170	am	(E-18100/90; O-21140/90; R-1171)		
			130.180	am	(E-18100/90; O-21140/90; R-1171)		
			130.190	am	(E-18100/90; O-21140/90; R-1171)		
			130.200	am	(E-18100/90; O-21140/90; R-1171)		
			130.210	am	(E-18100/90; O-21140/90; R-1171)		
			130.220	am	(E-18100/90; O-21140/90; R-1171)		
			130.230	am	(E-18100/90; O-21140/90; R-1171)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
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				n	(P-14671/90; A-1511)		
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				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
				n	(P-14671/90; A-1511)		
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790.2660	r	(P-18457/90; A-6566)	790.9420	am	(P-3417; E-3537)
790.2662	am	(P-18457/90; A-6566)	790.9460	am	(P-3417; E-3537)
790.2820	am	(P-3417; E-3537)	790.9500	am	(P-3417; E-3537)
790.2902	am	(P-3417; E-3537)	790.9580	am	(P-5005)
790.3020	am	(P-18457/90; A-6566)	895.10	am	(P-5005)
790.3027	am	(P-3417; E-3537)	895.20	am	(P-5005)
790.3060	am	(P-3417; E-3537)	895.30	am	(P-5005)
790.3140	am	(P-3417; E-3537)	895.40	am	(P-5005)
790.3220	am	(P-18457/90; A-6566)	895.50	am	(P-5005)
790.3308	n	(P-3417; E-3537)	920.10	am	(P-6460)
790.3315	am	(P-3417; E-3537)	920.15	am	(P-6460)
790.3335	am	(P-18457/90; A-6566)	920.20	am	(P-6460)
790.3350	am	(P-18457/90; A-6566)	920.30	am	(P-6460)
790.3488	n	(P-3417; E-3537)	920.40	am	(P-6460)
790.3540	am	(P-3417; E-3537)	920.50	am	(P-6460)
790.3914	am	(P-18457/90; A-6566)	920.60	am	(P-6460)
790.3940	am	(P-3417; E-3537)	920.70	am	(P-6460)
790.4060	am	(P-3417; E-3537)	920.80	am	(P-6460)
790.4384	am	(P-18457/90; A-6566)	920.90	am	(P-6460)
790.4420	am	(P-3417; E-3537)	920.100	am	(P-6460)
790.4495	n	(P-3417; E-3537)	920.110	am	(P-6460)
790.4580	am	(P-3417; E-3537)	920.120	am	(P-6460)
790.4660	am	(P-3417; E-3537)	920.130	am	(P-6460)
790.4720	am	(P-18457/90; A-6566)	920.170	n	(P-6460)
790.4725	am	(P-18457/90; A-6566)	920.180	n	(P-6460)
790.4728	am	(P-18457/90; A-6566)	920.180-A	am	(P-6460)
790.4740	am	(P-3417; E-3537)	920.180-B	am	(P-6460)
790.5030	n	(P-3417; E-3537)	920.180-H	n	(P-6460)
790.5220	am	(P-18457/90; A-6566)	925.10	am	(P-6498)
790.5300	am	(P-3417; E-3537)	925.15	am	(P-6498)
790.5312	am	(P-3417; E-3537)	925.20	am	(P-6498)
790.5320	am	(P-18457/90; A-6566)	925.30	am	(P-6498)
790.5420	am	(P-3417; E-3537)	925.40	am	(P-6498)
790.5483	am	(P-3417; E-3537)	925.50	am	(P-6498)
790.5660	am	(P-3417; E-3537)	925.51-A	am	(P-6498)
790.5820	am	(P-3417; E-3537)	1130.420	n	(E-4787; O-8319) (P-6100)
790.5830	am	(P-3417; E-3537)	1130.405-A	n	(E-4787; O-8319) (P-6100)
790.5900	am	(P-3417; E-3537)	2058.10	am	(P-6457/90; A-2597)
790.5924	am	(P-3417; E-3537)	2058.110	am	(P-6457/90; A-2597)
790.6300	am	(P-3417; E-3537)	2058.120	am	(P-6457/90; A-2597)
790.6430	n	(P-3417; E-3537)	2058.125	am	(P-6457/90; A-2597)
790.6505	n	(P-18457/90; A-6566)	2058.230	am	(P-6457/90; A-2597)
790.6875	am	(P-3417; E-3537)	2058.235	am	(P-6457/90; A-2597)
790.6960	am	(P-3417; E-3537)	2058.303	am	(P-6457/90; A-2597)
790.7120	am	(P-3417; E-3537)	2058.306	am	(P-6457/90; A-2597)
790.7160	am	(P-18457/90; A-6566)	2058.309	am	(P-6457/90; A-2597)
790.7221	n	(P-3417; E-3537)	2058.312	am	(P-6457/90; A-2597)
790.7245	am	(P-3417; E-3537)	2058.315	am	(P-6457/90; A-2597)
790.7280	am	(P-18457/90; A-6566)	2058.318	am	(P-6457/90; A-2597)
790.7278	am	(P-3417; E-3537)	2058.319	n	(P-6457/90; A-2597)
790.7280	am	(P-3417; E-3537)	2058.321	am	(P-6457/90; A-2597)
790.7280	am	(P-3417; E-3537)	2058.327	am	(P-6457/90; A-2597)
790.7740	am	(P-3417; E-3537)	2058.330	am	(P-6457/90; A-2597)
790.7820	am	(P-3417; E-3537)	2058.333	am	(P-6457/90; A-2597)
790.8015	am	(P-3417; E-3537) (P-18457/90; A-6566)	2058.336	am	(P-6457/90; A-2597)
790.8020	am	(P-3417; E-3537)	2058.342	am	(P-6457/90; A-2597)
790.8290	am	(P-3417; E-3537)	2058.343	n	(P-6457/90; A-2597)
790.8500	am	(P-3417; E-3537)	2058.348	am	(P-6457/90; A-2597)
790.8580	am	(P-3417; E-3537)	2058.354	am	(P-6457/90; A-2597)
790.8620	am	(P-3417; E-3537)	2058.366	am	(P-6457/90; A-2597)
790.9048	am	(P-18457/90; A-6566)	2058.400	am	(P-6457/90; A-2597)
790.9056	am	(P-3417; E-3537)	2058.405	am	(P-6457/90; A-2597)
790.9220	am	(P-3417; E-3537)	2058.410	am	(P-6457/90; A-2597)

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350.3240	am	(P-9833/90; A-466)	590.110	r	(P-8493/90; A-1830)
350.3260	am	(P-9833/90; A-466)	590.120	r	(P-8493/90; A-1830)
350.3710	am	(P-9833/90; A-466)	590.130	n	(P-8503/90; A-1833)
350.3720	am	(P-9833/90; A-466)	590.140	n	(P-8493/90; A-1830)
350.3730	am	(P-9833/90; A-466)	590.150	r	(P-8493/90; A-1830)
350.3750	am	(P-9833/90; A-466)	590.160	n	(P-8503/90; A-1833)
350.3770	am	(P-9833/90; A-466)	590.170	n	(P-8503/90; A-1833)
350.3780	am	(P-9833/90; A-466)	590.200	n	(P-8503/90; A-1833)
350.3810	am	(P-9833/90; A-466)	590.210	n	(P-8503/90; A-1833)
350.3880	am	(P-9833/90; A-466)	590.220	n	(P-8503/90; A-1833)
350.3900	am	(P-9833/90; A-466)	590.230	n	(P-8503/90; A-1833)
350.3940	am	(P-9833/90; A-466)	590.240	n	(P-8503/90; A-1833)
350.4010	am	(P-9833/90; A-466)	590.300	n	(P-8503/90; A-1833)
350.4010	am	(P-9833/90; A-466)	590.310	n	(P-8503/90; A-1833)
350.Tb. D	am	(P-9833/90; A-466)	590.320	n	(P-8503/90; A-1833)
350.Tb. E	am	(P-9833/90; A-466)	590.330	n	(P-8503/90; A-1833)
390.120	am	(P-4309)	590.400	n	(P-8503/90; A-1833)
390.330	am	(P-9883/90; A-1878)	590.410	n	(P-8503/90; A-1833)
390.1030	am	(P-9883/90; A-1878)	590.420	n	(P-8503/90; A-1833)
390.3220	am	(P-9883/90; A-1878)	590.430	n	(P-8503/90; A-1833)
390.3240	am	(P-9883/90; A-1878)	590.440	n	(P-8503/90; A-1833)
390.3260	am	(P-9883/90; A-1878)	590.450	n	(P-8503/90; A-1833)
450.5	am	(P-6440)	590.460	n	(P-8503/90; A-1833)
450.20	am	(P-6440)	590.470	n	(P-3398)
450.30	am	(P-6440)	595.100	am	(P-3398)
450.35	am	(P-6440)	595.110	am	(P-3398)
450.60	am	(P-6440)	595.200	am	(P-3398)
450.Ap.C	am	(P-6440)	595.300	am	(P-3398)
500.20	am	(P-3422) (E-3593)	595.310	am	(P-3398)
500.70	am	(P-3422) (E-3593)	595.320	am	(P-3398)
510.10	am	(P-418; A-7718)	595.330	am	(P-3398)
510.60	am	(P-418; A-7718)	595.Ap. A	am	(P-3398)
510.110	am	(P-418; A-7718) (E-612)	595.Ap. B	am	(P-3398)
510.120	am	(P-418; A-7718)	665.240	am	(P-17867/90; A-7706)
510.130	am	(P-418; A-7718) (E-612)	665.220	am	(P-6972)
535.10	am	(P-8120)	695.110	am	(P-17873/90; A-7712)
535.20	am	(P-8120)	710.210	am	(P-15246/90; W-675)
535.260	am	(P-16237/90; A-5722)	790.500	am	(P-3417; E-3537)
535.150	am	(P-16237/90; A-5722)	790.780	am	(P-3417; E-3537)
535.200	am	(P-16237/90; A-5722)	790.1107	n	(P-3417; E-3537)
535.210	am	(P-8120)	790.1112	n	(P-3417; E-3537)
535.215	n	(P-16237/90; A-5722)	790.1127	am	(P-18457/90; A-6566)
535.217	n	(P-8120)	790.1131	am	(P-18457/90; A-6566)
535.1000	n	(P-8120)	790.1390	n	(P-18457/90; A-6566)
535.Ap.A	n	(P-8120)	790.1418	am	(P-3417; E-3537)
540.65	n	(P-10665/90; A-1084)	790.1420	am	(P-3417; E-3537)
540.90	am	(P-10665/90; A-1084)	790.1423	am	(P-18457/90; A-6566)
540.100	am	(P-10665/90; A-1084)	790.1425	am	(P-3417; E-3537)
540.200	n	(P-10665/90; A-1084)	790.1685	am	(P-3417; E-3537)
550.100	n	(P-10656/90; A-1068)	790.1710	am	(P-18457/90; A-6566)
550.110	n	(P-10656/90; A-1068)	790.1740	am	(P-3417; E-3537)
550.120	n	(P-10656/90; A-1068)	790.1950	am	(P-18457/90; A-6566)
550.130	am	(P-10656/90; A-1068)	790.1960	am	(P-18457/90; A-6566)
590.10	r	(P-8493/90; A-1830)	790.2020	am	(P-3417; E-3537)
590.10	n	(P-8503/90; A-1833)	790.2130	am	(P-3417; E-3537)
590.20	r	(P-8493/90; A-1830)	790.2155	am	(P-18457/90; A-6566)
590.20	n	(P-8503/90; A-1833)	790.2465	am	(P-18457/90; A-6566)
590.30	r	(P-8493/90; A-1830)	790.2485	am	(P-3417; E-3537)
590.30	n	(P-8503/90; A-1833)	790.2580	am	(P-3417; E-3537)
590.40	r	(P-8493/90; A-1830)	790.2617	am	(P-18457/90; A-6566)
590.40	r	(P-8503/90; A-1833)	790.2618	am	(P-18457/90; A-6566) (P-3417)
590.50	r	(P-8493/90; A-1830)	790.2645	n	(E-3537)
590.100	n	(P-8493/90; A-1830)	790.2655	n	(P-18457/90; A-6566)
590.100	n	(P-8503/90; A-1833)			(P-18457/90; A-6566)

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2058.705	am	(P-6457/90; A-2597)	730.330	n	(P-1627)
2058.805	am	(P-6457/90; A-2597)	730.335	n	(P-1627)
2058.900	am	(P-6457/90; A-2597)	730.400	n	(P-1650)
2058.905	am	(P-6457/90; A-2597)	730.401	r	(P-1650)
2530.Ap. B	am	(P-17428/90; A-1821)	730.402	r	(P-1650)
			730.403	r	(P-1650)
			730.404	r	(P-1650)
			730.405	n	(P-1627)
			730.405	n	(P-1650)
			730.406	r	(P-1650)
		(P-4801) (E-5076)	730.407	r	(P-1650)
		(P-17399/90; A-5214)	730.408	r	(P-1650)
		(P-4801) (E-5076)	730.409	r	(P-1650)
	n	(P-4801) (E-5076)	730.410	n	(P-1627)
	am	(P-4497)	730.415	n	(P-1627)
	am	(P-4497)	730.420	n	(P-1627)
	am	(P-6364)	730.425	n	(P-1627)
	am	(P-6364)	730.430	n	(P-1627)
	am	(P-4497)	730.435	n	(P-1627)
	am	(P-4497)	730.440	n	(P-1627)
	am	(P-14657/90; A-3296)	730.445	n	(P-1627)
	am	(P-5147)	730.450	n	(P-1627)
	am	(P-6364)	730.500	n	(P-1627)
	am	(P-5147)	730.501	n	(P-1650)
	am	(P-5147)	730.502	r	(P-1650)
	am	(PP-663) (P-14657/90; A-3296)	730.503	r	(P-1650)
	am	(P-4497; W-5920) (PP-5465)	730.504	n	(P-1627)
	am	(P-4497; W-5920) (PP-5465)	730.505	n	(P-1650)
	am	(P-4497; W-5920) (PP-5465)	730.505	r	(P-1650)
	am	(P-4497)	730.506	r	(P-1650)
	am	(P-14657/90; A-3296) (P-4497)	730.507	r	(P-1650)
	am	(P-14657/90; A-3296) (P-4497)	730.508	r	(P-1650)
	am	(P-14657/90; A-3296) (P-4497)	730.509	n	(P-1650)
	am	(P-4497)	730.510	n	(P-1627)
	am	(PP-663) (P-4497) (PP-5100)	730.510	n	(P-1650)
	am	(P-4497)	730.511	n	(P-1650)
	am	(P-15186/90; A-4401) (P-5147)	730.515	n	(P-1627)
	am	(P-5147)	730.520	n	(P-1627)
	am	(P-18712/90; A-7379)	730.525	n	(P-1627)
	am		730.530	n	(P-1627)
			730.535	n	(P-1627)
			730.540	n	(P-1627)
			730.600	n	(P-1650)
	am	(P-15653/90; A-5056)	730.601	r	(P-1650)
	am	(P-15653/90; A-5056)	730.602	r	(P-1650)
	am	(P-15653/90; A-5056)	730.603	r	(P-1650)
	am	(P-15653/90; A-5056)	730.604	r	(P-1650)
	am	(P-20565/90; A-8205)	730.605	n	(P-1627)
	am	(P-20565/90; A-8205)	730.605	n	(P-1650)
	am	(P-20565/90; A-8205)	730.606	r	(P-1650)
	n	(P-1627)	730.607	r	(P-1650)
	r	(P-1650)	730.608	r	(P-1650)
	r	(P-1650)	730.609	r	(P-1650)
	r	(P-1650)	730.610	r	(P-1650)
	n	(P-1627)	730.611	r	(P-1650)
	n	(P-1627)	730.700	n	(P-1627)
	n	(P-1650)	730.701	r	(P-1650)
	r	(P-1650)	730.702	r	(P-1650)
	r	(P-1650)	730.703	r	(P-1650)
	n	(P-1627)	730.705	n	(P-1627)
	n	(P-1627)	730.710	n	(P-1627)
	n	(P-1627)	730.715	n	(P-1627)
	n	(P-1627)	730.720	n	(P-1627)
	n	(P-1627)	730.725	n	(P-1627)

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220.5	am	(P-15653/90; A-5056)	730.330	n	(P-1627)
220.10	am	(P-15653/90; A-5056)	730.335	n	(P-1627)
220.20	am	(P-15653/90; A-5056)	730.400	n	(P-1650)
220.30	am	(P-15653/90; A-5056)	730.401	r	(P-1650)
220.40	am	(P-15653/90; A-5056)	730.402	r	(P-1650)
220.50	am	(P-15653/90; A-5056)	730.403	r	(P-1650)
710.1	am	(P-20565/90; A-8205)	730.404	r	(P-1650)
710.1000	am	(P-20565/90; A-8205)	730.405	n	(P-1627)
730.100	n	(P-1627)	730.406	r	(P-1650)
730.101	r	(P-1650)	730.407	r	(P-1650)
730.102	r	(P-1650)	730.408	r	(P-1650)
730.103	n	(P-1627)	730.409	r	(P-1650)
730.105	n	(P-1627)	730.410	n	(P-1627)
730.200	n	(P-1650)	730.415	n	(P-1627)
730.201	r	(P-1650)	730.420	n	(P-1627)
730.202	r	(P-1650)	730.425	n	(P-1627)
730.300	n	(P-1627)	730.430	n	(P-1627)
730.303	n	(P-1627)	730.435	n	(P-1627)
730.305	n	(P-1627)	730.440	n	(P-1627)
730.310	n	(P-1627)	730.445	n	(P-1627)
730.315	n	(P-1627)	730.450	n	(P-1627)
730.320	n	(P-1627)	730.500	n	(P-1627)
730.325	n	(P-1627)	730.501	n	(P-1650)

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730.801	r	(P-1650)	130.501	am	(P-20194/90; A-6621)
730.802	r	(P-1650)	130.502	n	(P-20194/90; A-6621)
730.803	r	(P-1650)	130.510	am	(P-20194/90; A-6621)
730.804	r	(P-1650)	130.530	am	(P-20194/90; A-6621)
730.805	r	(P-1650)	130.535	am	(P-20194/90; A-6621)
755.10	am	(P-19109/90; A-5624)	130.540	am	(P-20194/90; A-6621)
755.25	am	(P-19109/90; A-5624)	130.605	am	(P-20194/90; A-6621)
755.105	am	(P-19109/90; A-5624)	130.701	am	(P-20194/90; A-6621)
755.110	am	(P-19109/90; A-5624)	130.901	am	(P-5021) (P-20194/90; A-6621)
755.115	am	(P-19109/90; A-5624)	130.910	am	(P-20194/90; A-6621)
755.200	am	(P-19109/90; A-5624)	130.1401	am	(P-20194/90; A-6621)
755.205	am	(P-19109/90; A-5624)	130.1405	am	(P-20194/90; A-6621)
755.210	am	(P-19109/90; A-5624)	130.1410	r	(P-20194/90; A-6621)
755.405	am	(P-19109/90; A-5624)	130.1415	am	(P-20194/90; A-6621)
756.125	am	(P-18675/90; A-5618)	130.1420	r	(P-20194/90; A-6621)
756.220	am	(P-18675/90; A-5618)	130.1501	am	(P-20194/90; A-6621)
757.	r	(RC-5111)	130.1505	am	(P-20194/90; A-6621)
757.10	r	(P-4803) (E-5082)	130.1701	am	(P-20194/90; A-6621)
757.15	r	(P-4803) (E-5082)	130.1920	am	(P-20194/90; A-6621)
757.100	r	(P-4803) (E-5082)	130.1930	am	(P-20194/90; A-6621)
757.105	r	(P-4803) (E-5082)	130.1950	am	(P-20194/90; A-6621)
757.110	r	(P-4803) (E-5082)	130.1951	am	(P-20194/90; A-6621)
757.115	r	(P-4803) (E-5082)	130.1955	am	(P-20194/90; A-6621)
757.120	r	(P-4803) (E-5082)	130.1970	am	(P-20194/90; A-6621)
757.200	r	(P-4803) (E-5082)	130.1980	am	(P-20194/90; A-6621)
757.205	r	(P-4803) (E-5082)	130.1990	am	(P-20194/90; A-6621)
757.300	r	(P-4803) (E-5082)	130.2005	am	(P-20194/90; A-6621)
757.310	r	(P-4803) (E-5082)	130.2007	am	(P-20194/90; A-6621)
757.320	r	(P-4803) (E-5082)	130.2008	n	(P-20194/90; A-6621)
757.330	r	(P-4803) (E-5082)	130.2010	am	(P-20194/90; A-6621)
757.340	r	(P-4803) (E-5082)	130.2035	am	(P-20194/90; A-6621)
757.350	r	(P-4803) (E-5082)	130.2040	am	(P-20194/90; A-6621)
757.400	r	(P-4803) (E-5082)	130.2055	am	(P-20194/90; A-6621)
757.410	r	(P-4803) (E-5082)	130.2060	am	(P-20194/90; A-6621)
757.Ex.A	r	(P-4803) (E-5082)	130.2075	am	(P-20194/90; A-6621)
757.Ex.B	r	(P-4803) (E-5082)	130.2080	am	(P-20194/90; A-6621)
757.Ex.C	r	(P-4803) (E-5082)	130.2085	am	(P-20194/90; A-6621)
757.Ex.D	r	(P-4803) (E-5082)	130.2090	am	(P-20194/90; A-6621)
780.5	n	(P-13100/90; A-5062)	130.2105	am	(P-20194/90; A-6621)
780.10	n	(P-13100/90; A-5062)	130.2115	am	(P-20194/90; A-6621)
780.20	n	(P-13100/90; A-5062)	130.2140	am	(P-20194/90; A-6621)
780.30	n	(P-13100/90; A-5062)	130.2145	am	(P-20194/90; A-6621)
			130.2150	am	(P-20194/90; A-6621)
			130.2165	am	(P-20194/90; A-6621)
TITLE 86			130.11. A	n	(P-20194/90; A-6621)
110.160	am	(P-20194/90; A-6621)	140.101	am	(P-19779/90; A-5834)
130.100	am	(P-20194/90; A-6621; O-6792)	140.301	am	(P-19779/90; A-5834)
130.120	am	(P-20194/90; A-6621)	150.101	am	(P-19804/90; A-5861)
130.210	am	(P-20194/90; A-6621)	150.105	am	(P-19804/90; A-5861)
130.300	am	(P-20194/90; A-6621)	150.135	am	(P-19804/90; A-5861)
130.320	am	(P-20194/90; A-6621)	150.201	am	(P-19804/90; A-5861)
130.321	n	(P-20194/90; A-6621)	150.201	am	(P-19804/90; A-5861)
130.325	am	(P-20194/90; A-6621)	150.405	am	(P-19804/90; A-5861)
130.330	am	(P-20194/90; A-6621)	150.710	am	(P-19804/90; A-5861)
130.335	am	(P-20194/90; A-6621)	150.725	am	(P-19804/90; A-5861)
130.345	am	(P-20194/90; A-6621)	150.905	am	(P-19804/90; A-5861)
130.350	am	(P-20194/90; A-6621)	150.1101	am	(P-19804/90; A-5861)
130.401	am	(P-20194/90; A-6621)	150.1310	am	(P-19804/90; A-5861)
130.405	am	(P-20194/90; A-6621)	150.1401	am	(P-19804/90; A-5861)
130.415	am	(P-20194/90; A-6621)	150.1405	am	(P-19804/90; A-5861)
130.425	am	(P-20194/90; A-6621)	160.101	am	(P-19788/90; A-5845)
130.430	am	(P-20194/90; A-6621)	160.105	am	(P-19788/90; A-5845)
130.435	am	(P-20194/90; A-6621)	160.115	am	(P-19788/90; A-5845)
130.440	am	(P-20194/90; A-6621)	160.135	am	(P-19788/90; A-5845)

160.155	am	(P-19788/90; A-5815)	390.101	am	(P-19746/90; A-5815)	120.31	am	(P-5551)
160.155	am	(P-19788/90; A-5815)	390.105	am	(P-19746/90; A-5815)	120.60	am	(P-5551)
200.115	am	(P-14754/90; A-3518)	420.50	am	(P-15762/90; A-3498)	120.61	am	(P-159; A-5302) (E-348)
220.105	am	(P-19706/90; A-5783)	420.90	am	(P-15762/90; A-3498)	120.64	am	(P-5551)
220.110	am	(P-19706/90; A-5783)	430.100	am	(P-1724)	120.65	n	(P-2908)
220.115	am	(P-19706/90; A-5783)	430.110	am	(P-1724)	120.72	am	(P-159; A-5302) (E-348)
220.120	am	(P-19706/90; A-5783)	430.120	am	(P-1724)	120.74	am	(P-159; A-5302) (E-348)
220.125	am	(P-19706/90; A-5783)	430.130	am	(P-1724)	120.78	am	(P-5551)
220.130	am	(P-19706/90; A-5783)	430.160	am	(P-1724)	120.81	am	(P-5551)
230.105	am	(P-19717/90; A-5796)	430.180	am	(P-1724)	120.81	am	(P-5551)
230.110	am	(P-19717/90; A-5796)	430.190	am	(P-1724)	120.81	am	(P-5551)
230.115	am	(P-19717/90; A-5796)	430.200	am	(P-1724)	120.81	am	(P-5551)
230.120	am	(P-19717/90; A-5796)	432.100	am	(P-1777)	120.81	am	(P-5551)
230.125	am	(P-19717/90; A-5796)	432.110	am	(P-1777)	120.81	am	(P-5551)
230.130	am	(P-19717/90; A-5796)	432.120	am	(P-1777)	120.81	am	(P-5551)
240.105	r	(P-19725/90; A-5781)	432.160	am	(P-1777)	120.81	am	(P-5551)
240.110	r	(P-19725/90; A-5781)	432.160	am	(P-1777)	120.81	am	(P-5551)
240.115	r	(P-19725/90; A-5781)	432.160	am	(P-1777)	120.81	am	(P-5551)
240.120	r	(P-19725/90; A-5781)	432.160	am	(P-1777)	120.81	am	(P-5551)
270.105	am	(P-15251/90; A-3507)	435.100	am	(P-1748)	120.81	am	(P-5551)
270.110	am	(P-15251/90; A-3507)	435.110	am	(P-1748)	120.81	am	(P-5551)
270.115	am	(P-15251/90; A-3507)	435.120	am	(P-1748)	120.81	am	(P-5551)
270.120	am	(P-15251/90; A-3507)	435.130	am	(P-1748)	120.81	am	(P-5551)
270.125	am	(P-15251/90; A-3507)	435.140	am	(P-1748)	120.81	am	(P-5551)
280.105	am	(P-17908/90; A-6290)	435.160	am	(P-1748)	120.81	am	(P-5551)
280.110	am	(P-17908/90; A-6290)	435.170	am	(P-1748)	120.81	am	(P-5551)
280.115	am	(P-17908/90; A-6290)	435.180	am	(P-1748)	120.81	am	(P-5551)
280.120	am	(P-17908/90; A-6290)	435.190	am	(P-1748)	120.81	am	(P-5551)
280.125	am	(P-17908/90; A-6290)	435.200	am	(P-1748)	120.81	am	(P-5551)
290.105	r	(P-19751/90; A-5820)	435.210	am	(P-1748)	120.81	am	(P-5551)
290.110	r	(P-19751/90; A-5820)	435.220	am	(P-1748)	120.81	am	(P-5551)
290.115	r	(P-19751/90; A-5820)	450.10	am	(P-13429/90; A-117)	120.81	am	(P-5551)
320.105	am	(P-19756/90; A-6316)	500.102	n	(P-13429/90; A-117)	102.81	am	(P-409; A-7202)
320.110	am	(P-19756/90; A-6316)	500.103	n	(P-13429/90; A-117)	102.81	am	(P-409; A-7202)
320.115	am	(P-19756/90; A-6316)	500.105	am	(P-17897/90; A-6305)	104.45	am	(P-18705/90; A-5320)
320.120	am	(P-19756/90; A-6316)	500.115	am	(P-17897/90; A-6305)	104.45	am	(P-15; A-6557)
330.105	am	(P-19767/90; A-5822)	500.120	am	(P-17897/90; A-6305)	104.250	am	(P-15; A-6557)
330.110	am	(P-19767/90; A-5822)	500.130	am	(P-17897/90; A-6305)	104.272	am	(P-15; A-6557)
330.115	am	(P-19767/90; A-5822)	500.135	am	(P-17897/90; A-6305)	104.304	am	(P-15; A-6557)
330.120	am	(P-19767/90; A-5822)	500.140	am	(P-17897/90; A-6305)	104.330	am	(P-15; A-6557)
340.105	am	(P-19774/90; A-5829)	500.150	am	(P-17897/90; A-6305)	111.101	am	(P-17762/90; A-1029)
340.110	am	(P-19774/90; A-5829)	500.155	am	(P-17897/90; A-6305)	111.101	am	(P-371; A-5684)
340.115	am	(P-19774/90; A-5829)	500.175	am	(P-17897/90; A-6305)	112.9	am	(P-19568/90; A-5275)
370.105	am	(P-19730/90; A-5805)	500.195	am	(P-17897/90; A-6305)	112.64	am	(P-19568/90; A-5275)
370.110	am	(P-19730/90; A-5805)	500.201	n	(P-17897/90; A-6305)	112.70	am	(P-2521)
370.115	am	(P-19730/90; A-5805)	500.220	am	(P-17897/90; A-6305)	112.74	am	(P-2521)
380.105	am	(P-19740/90; A-6299)	600.101	r	(P-5017; P-17897/90; A-6305)	112.78	am	(P-2521)
380.110	am	(P-19740/90; A-6299)	600.105	r	(P-18195/90; A-6284)	112.79	am	(P-2521)
380.115	am	(P-19740/90; A-6299)	600.110	r	(P-18195/90; A-6284)	112.80	am	(P-2521)
380.120	am	(P-19740/90; A-6299)	600.115	r	(P-18195/90; A-6284)	112.82	am	(P-2521)
			600.120	r	(P-18195/90; A-6284)	112.110	am	(P-5502)
			600.125	r	(P-18195/90; A-6284)	112.151	am	(P-5502)
			600.130	r	(P-18195/90; A-6284)	112.151	am	(P-5502)
			600.135	r	(P-18195/90; A-6284)	112.340	am	(P-157; A-5275) (E-338)
			600.140	r	(P-18195/90; A-6284)	113.9	am	(P-384; A-5698)
			600.145	r	(P-18195/90; A-6284)	113.125	am	(P-6913)
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			600.155	r	(P-18195/90; A-6284)	113.155	am	(P-804; A-7104)
			600.160	r	(P-18195/90; A-6284)	113.251	am	(P-15701/90; A-277)
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			600.170	r	(P-18195/90; A-6284)	113.303	am	(P-5517)
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